

CJA/MoJ Policy Forum on BAME victims of crime

May 2019

On 7 May 2019, the CJA and the Ministry of Justice's Race Disparity team hosted a policy forum on Black, Asian and Minority Ethnic (BAME) victims of crime with the objective of improving understanding around the specific needs and issues of BAME victims and what more could be done to support them.

Forum attendees included: Ministry of Justice Race Disparity team, Criminal Justice Alliance, MOPAC, Northumbria OPCC, West Yorkshire OPCC, West Midlands OPCC, Avon and Somerset Lammy Review Group, Bedfordshire Police, Signpost Victims Hub Bedfordshire, Bradford Hate Crime Alliance, Black Training and Enterprise Group / EQUAL, Why Me?, Another Night of Sisterhood, St. Giles Trust, Respond, Victim Support, Reach Every Generation, Life Linx, RedThread, Zahid Mubarek Trust, Women in Prison and abandonofbrothers,

Attendees were asked to consider the following prompts prior to the meeting, in discussion with victims where appropriate:

Needs of BAME victims

- What are the main support needs experiences of BAME victims that you have identified (in particular focusing on areas which are distinct from victims in general)

Current support offer (focusing on victims services)

- How strong is awareness of support to victims among BAME groups (in general, or in relation to a particular service you offer)? How do victims find out about and access support?
- How does your service / services you are familiar with, tailor their offer for BAME victims? (both formal offers but also soft approach and building trust)
- How effective do you consider support to be for BAME victims – What are the key strengths? What are the key deficiencies? (and why?)

How to better support BAME victims

- What are examples of best practice in victims' services which could be applicable more widely? (be that specific initiatives, tailoring of existing work or special ways of working)
- What specific areas do you consider government resources or guidance may be best placed to provide support on?
- Do you see opportunities to collaborate or share resources better between organisations already working with victims?
- Are there key steps government could support beyond improved victims' services?

This briefing note reflects the key themes discussed at the meeting and includes anonymised quotes.

1. Commissioning arrangements

Universal versus culturally-specific services:

Many attendees felt that universal victims' services can find it harder to support the specific needs of BAME victims. This issue may be worse in areas where BAME communities represent smaller proportions of the population.

'We've found BAME victims of crime do not necessarily want to approach generic services. So we have generic commissioned services and a lot of groups have come together to form smaller, local, niche services to plug the gaps. They're obviously responding to a need within the community.'

'I always believe that the solutions are in our own communities and if we commission locally and through grassroots organisations then you have the best interface with those communities, particularly closed off communities.'

'I think sometimes there's an assumption that all victims are the same. So there's almost this colour-blind approach from agencies. So they don't actually look at some of the specific needs communities may have in terms of providing a service... But if you're in a rural area that's made even worse because there's more of an issue around race in rural areas than in urban areas.'

'[We have a] specific service for Asian women in terms of rape and sexual abuse and there's no question they do reach a demography that our other victims' services find it very difficult to reach.'

Sub-contracting:

One solution suggested was for neighbouring regions to share BAME specific victim services to make it more viable or for there to be greater sub-contracting.

'I think that for that rural aspect, it may be worth sharing some of the services. So I know [X] and [Y] are next door to each other. It's how do you look at some of those common issues but a lot of time in the public sector, because of budgetary considerations, we say there isn't an issue here because numbers are so small and therefore there's a tendency to say that generic services will address. But the generic services tend not to do that because they haven't got the expertise themselves. So the BAME communities are still failed. So there needs to be some proactive work to make sure that maybe there's a sub-commission involved in terms of serving specific BAME communities. Because they do tend to end up suffering because there is no support there at all for them.'

Grant funding:

Some felt that small, specialised services are currently hindered by prohibitive commissioning arrangements and that grants, rather than contracts, are more appropriate for such specific, grassroots organisations.

'[We need] a strategic plan for specialist services that accepts that the current commissioning arrangements are completely unfit for purpose... Making ends meet at the very lowest of levels is practically impossible. So finding flexible commissioning arrangements so that local areas can meet gaps with traditional grants, not contracts, and we can actually build up services that are falling to dust.'

'I do agree that the commissioning done is archaic, it doesn't meet any of their needs. In my little tiny charity we get approached in July [for victim counselling services] and we

get a contract approved probably in October/December. And during that time the person is still waiting.'

Capacity building:

It was suggested that Commissioners should consider proactively giving feedback and support to any unsuccessful organisations working with BAME victims in order to build their capacity and increase their likelihood of success when bidding for future contracts.

'I think there is something around capacity-building that was mentioned. I think that's really important. I see two or three BAME organisations apply to the Commissioner every year for funding and they get knocked back. But there's very little in terms of going back to those organisations [...] Let's be more proactive with these organisations, let's sit down with them and instead of saying you didn't make it, let's talk about the reasons you didn't make it and work with you to where you can actually be successful.'

'We have a really local service [working with Sikh women]. It's very specialised and its responding to the needs of local Sikh communities [...] we are working with them a lot to look at their practices. That's one of the concerns of the PCCs office is that they're so small. Are they working towards best practice and are they working towards national standards?'

'Over the last twenty years we've seen the depletion of services and local services in [X]. A lot of the services that come in from outside are paid lots of money and then they disappear. So not only socio-economically, it stops the community growing that way, but also we're not good with sustainability with those communities for later down the road. I know a lot of this work is very specialised but I think it's really important that we start building the community because a lot of people who work in the community in [X] do it for free and they've done it for the last twenty years. And it seems that BAME groups aren't valued whereas other groups that come in and provide that service are valued. And I think it's really important that we start building sustainability into the community so that ten years down the line we're not looking at similar problems.'

'We must identify good grassroots organisations and build them up.'

There is a recognition that to achieve this might mean greater investment in the short-term:

'We need to see leadership, we need strategy and we need money [...] and the offices of the PCCs – maybe you need more money to be able to commission locally. You understand your regions, you understand where these communities are.'

Scrutiny of universal services:

'As an authority, or as a PCC, we need to be smarter in terms of those other generic services asking the questions in terms of scrutiny – and that is what we'll be asking the MoJ to do in terms of scrutinising the PCC – and ensuring those services are actually accessible and better in terms of engaging with communities. Rather than people coming in to them, they need to be really getting out into the community, engaging and ensuring because in our area it's not going to be possible to have lots and lots of BAME led services. So it's going to be for those who are already providing a service, whether it be mental health or sexual violence or working with young people, that they are the ones who should be really ensuring they are engaging appropriately and providing responsive services.'

'There is a colour-blind approach where they say 'this service is for everybody' but are they tailoring to those needs of specific communities? So black women who experience DV or SV - are they getting the right service?'

Needs assessments:

One attendee felt PCCs need to ensure they understand their communities and conduct more thorough needs assessments before commissioning services.

'[...] we took a fairly comprehensive needs assessment in terms of trying to identify what we actually required in [X] and that led to the commissioning of a range of specialist services, some which work with minority groups. But at the same time, if I was to say was it really comprehensive, did we really understand the change in our demographics and take it into account? [...] If I was open and honest, I think we could have done more to understand whether there are particular groups that we're not engaging with that we haven't asked the questions of. [...] I wouldn't say it has been effective enough in getting us to where we need to be.'

2. Representation and cultural competence

Many attendees raised the issue of incidents of discrimination, bias and lack of 'cultural competence' from the Police and other agencies when engaging with BAME victims. Cultural competency may be linked to lack of BAME representation within those organisations, which limits their ability to provide appropriate support, but is also about lack of training for staff more generally.

'We've done some work in [X] and the first response people – there are various – their assumptions and stereotypes of what domestic violence is in those communities is scary. The tone and the language and the stereotypes they are using, it's almost like 'well in your communities this is normal, this is normal, your faith allows it to happen.' These are the kind of things fed back to us. [...] That cultural competency you talked about, the unconscious bias stuff, it really needs to be hit head on. So I know it's an obvious one, training, but it needs to be done.'

'There's a lack of understanding the culture or ability to understand. So there has to be a bridging of the gap.'

'In its very barest form, cultural competence is about having people who can deliver training from those cultures.[...] do the officers realise that if you went into an Asian home or black home that you'd address your elders as uncle or auntie? [...] these are the cultural competencies that we should be sharing with one another and that should be filtering down to officers as they go into homes [...] More and more people are coming from outside London to do these jobs and they've never worked in diverse communities and they have no first-hand knowledge.'

'[Victims should think] I trust this relationship because you understand me and you are culturally aware.'

Others felt more racially diverse workforce representation was key:

'Representation of the police service [...] it is absolutely key. Because we have to get trust in our service. [...] And if you don't look like me how can you understand me? That's what's often said. So that's why representation is so important'

'The lack of representation within victims' services that people are coming in, young people, and they're not seeing support from younger people. They all tend to be old, white women.'

'You need to identify with your caseworker so having a really diverse workforce in victims services is hugely important and reflecting communities across different parts of the country, not just from a culture side but from a language side.'

'You can go over the history and give them some cultural competence, but what you'll always struggle with is cultural currency-being able to get in there.'

It was also felt to be important to explore with BAME communities themselves the best ways to communicate and provide support:

'I think we have materials in 40 different languages but that's not enough and also having materials that are not just word-for-word translated but also starting to develop them with communities. But it takes a lot of time and resource to make sure that the resources themselves are appropriate. We're doing a project in [X] at the moment where we're developing a specific resource for Asian victims of sexual violence and from our focus groups we were advised to use spoken word more than written, but also more video content. So it's about reflecting the fact that we can't just lump everyone together.'

Some attendees commented on the particular concerns that BAME victims may be more likely to have with regards to privacy and family involvement, and the need for services to be sensitive to this:

'Cultural needs. Some of the family conditions – do they want families to know they've been a victim of hate crime, or any crime. And particularly when it starts getting into complex crimes and other crimes where people might think twice about reporting because there's an issue around community and will the community find out. Issues around DV and SV may be even harder in terms of coming out and reporting.'

'We then have an additional issue which came up was due to taboos around disability, learning difficulties and mental health. Roma victims may feel uncomfortable about talking about their support needs in regards to those in justice settings. If they are LGBT they may not want to come out to their families.'

3. Police/community relations

A recurring theme of the discussion was the importance of the police in relation to awareness and uptake of victims' services. However, many attendees felt that trust and confidence is extremely low in some BAME communities, which may be hampering victims' services ability to support BAME victims of crime. Some attendees supported the need for 'uncomfortable conversations' between BAME communities and the police and other agencies to improve understanding of the historical context of these fractured relations.

'For me the strength has been being able to have those uncomfortable conversations with senior leadership in police because that's quite important that they hear those voices.'

'We've had ten reviews since Stephen Lawrence and the same things come out. And again nothing's been done, no action really on the ground. And then we've got another review and I think it's avoiding some of the elephants in the room. I think for the police to effectively deal with communities they need recognition of that history and prioritising that for communities. It's almost like trust and reconciliation.'

'We have to get trust in our service. We have to lay the right foundations. Because the first people that turn up in uniform are the first impact you get. And that lifelong impression you get will be from that very first interaction so when we talk about cultural understanding, how important that is, the trust in a service, the accessibility, all of those things, all routes lead to that very first interaction.'

Attendees described that negative perceptions of the police (and consequential effects of the likelihood of accessing victims' services) have sometimes been reinforced by instances where BAME victims have been treated as perpetrators.

4. Young BAME people and violence

There was concern from several attendees that some young BAME people who have experienced violence may not identify as victims of crime, which creates barriers to accessing services. This perception may be reinforced by cases where the police arriving as first responders to an incident may treat young BAME victims or witnesses of crime as perpetrators. Attendees highlighted that this cohort has particular need for trauma-informed and restorative approaches and therapeutic interventions.

'A lot of the young people that we work with don't see themselves as victims.'

'What we hear all the time is, where they perceive that if they accept being a victim that it's going to lead to some sort of criminalisation of that process. So young people themselves who are flip-flopped between victim and perpetrator totally lose the sense of which one they are.'

'For me, with the BAME victims, it has to be a trauma-informed approach. All our staff are trained on trauma-informed now, looking at ACEs. The aim to get a victim to accept help is difficult.'

'When I was labelled a gang member I lost my victimisation straight away.'

'Unfortunately for the police they're going to be first port of call when there's an incident. But they're also going to be the same face when you're the victim. So today you chase me down the road and then tomorrow you're going to put an arm around me. It's a disconnect.'

'If they know before they're a victim that help is available, there's more chance they're going to come and ask for help. Because they view you [the police] as the enemy, or us as the enemy, because you're not quick enough to respond. Only when I've done something wrong do you come.'

'What I think is interesting is young people being transferred for their safety, so from London to [X] where we are. I went to visit these kids and to be honest there's no racially appropriate stuff for them. They become drawn back, isolated, drawn back into the behaviour they were sent there for. And I think while being left there for their safety, there's no support as a victim. And then they only become aware of them once they've committed a crime because they've committed a crime. So there's a neglect element.'

Several attendees highlighted that trust can be so low, that to effectively engage young BAME victims it is not enough to have BAME staff, lived experience was key to gaining trust and engagement.

'So even though we were from that background, they wanted to check who we were before they would even engage with us. So even though we fit that picture, they still wanted to know that we could relate to their circumstances based on what they see. [...] There was still that air of suspicion [...] They came round and spoke to us because they could relate to what we were talking about. So it's that lived experience as well.'

One attendee also recommended greater use of restorative justice as a way for individuals and communities to move on from the harm caused by serious violence.

5. Low awareness and trust in victims' services.

Many attendees highlighted a general lack of trust and confidence in universal services and agencies (in part because of an association with the police or the state), in particular where services are not independent from the Police or PCC.

And where specialist services for BAME victims are operating, they may be poorly publicised and awareness of their programmes is low among the public and partner agencies.

'The main issue... is the need to access independent services because trust in the state is often, especially with women we work with, low from the very youngest of ages.'

'My instinct from everything I see is that there's low awareness of victims' services generally, but I think awareness for BAME victims is even lower.'

'BAME groups – they're just not buying into it. They're not making contact [with universal victim services]. The expectation is very low.'

'There's a confidence issue in communities. We need to raise that and where you raise confidence is with consistency.'

'I think that's the biggest issue that lots of the younger victims talk about, that trust isn't there.'

However, there is some evidence that when BAME victims are offered a service, they may be more likely to actually take up the offer than white victims.

'We've done some small bits of research already but we're quite held back by the quality of data and things like that. So we have found that [BAME] people are less likely to initially come in to the services, and obviously awareness is a key part of that as well as trust because a lot of people still come to victims services through the police. So if people aren't reporting that's a key route that people aren't coming in on. We did find that when [BAME] people do access a service they're much more likely to take up a service. So once offered, take up is much higher. So it's definitely a clear message about more outreach, more awareness and accessibility, and more challenging the issues around perception.'

6. Hate crime

Some attendees highlighted the issue of hate crime in particular, as it disproportionately affects BAME people. A symptom of BAME people's lack of confidence in the police and other agencies may be leading BAME victims of hate crime to not report these crimes because of concerns they will re-victimised or not believed.

'Some BAME communities have complex relationships with the police and feel they will be re-victimised and not believed if they report hate crime to them.'

'BAME victims prefer to come to us as an organisation to report hate crime rather than go directly to the police for a whole range of reasons.'

'There's a need for third party reporting, another way for people to talk about hate crime and report hate crime.'

'The issue of trust and mistreatment does not stop when people are imprisoned. It's really important that victims also exist in the prison system and if I give an example, if you are a prisoner, if you are a victim of racial discrimination the chances that your complaint of racial discrimination will be upheld is zero, which is concerning.'

Why Me? currently runs a project exploring the use of restorative justice as a response to hate crime. This is the first nationwide project which aims to improve practice in this area. The interim report published in September 2018 is partly based on consultations with

community groups and includes a number of insights into the experiences and perceptions of BAME victims of crime.¹

7. Terminology and intersectionality

Some attendees noted the importance of recognising that BAME victims are an extremely diverse cohort and that the use of this label may be unhelpful in practice.

'Just to label it very generically 'BAME' and say what are the distinctive needs of BAME communities might not be the right way of phrasing the question.'

Some attendees were also concerned that the term BAME victims, used in this context, may not accurately capture vulnerabilities or other protected characteristics that are affecting BAME victims' access to services.

'It's going back to the issue about not just saying there's one group of BAME victims. So there needs to be consideration given to those intersectional needs.'

'It's also about acknowledging that there are multiple vulnerabilities, so we're talking about intersectionality here. One of the things I've found in some of the services, or perhaps commissioned services, is that the BAME 'tag' is giving the wrong impression about how we support people within it. Using the BAME tag and ticking the boxes, perhaps via commissioning services, can have an impact on some of these multiple vulnerabilities and things like safeguarding and understanding cultural needs as well.'

'We need to have those organisations that have some sort of therapeutic underpinning in the services that they provide to be able to scaffold their victim work into the bigger victims' organisations.'

'And to flag up the issue of learning disabilities [...] and particularly autism, which in [some] BAME communities is not really recognised or properly assessed for various reasons – people might come into the country later or there could be stigma attached. The services available specifically for autism in victims and perpetrators – there's nothing there. And that needs to be addressed really urgently.'

Next steps

The MoJ is committed to taking and sharing insights from the forum with relevant leads across responsible departments (principally MoJ and the Home Office) to factor into relevant work. It will also be using these insights to inform its work with PCCs in their commissioning role around how to improve BAME access to and experience of victims services. The MoJ has also committed to remaining in contact with attendees of this forum in relation to work focused on BAME victims.

The CJA are committed to using these discussions to inform their future work in this area as part of their 'Connecting for Change' strategy 2019-2022 influencing policy and practice to improve outcomes for BAME victims. They will form an expert group of CJA members to guide this work.

¹ <https://why-me.org/wp-content/uploads/2018/09/Access-to-Justice-Hate-Crime-and-Restorative-Justice-Interim-Report.pdf>