



CHILDREN AND YOUNG PEOPLE IN CONFLICT WITH THE LAW: POLICY, PRACTICE AND LEGISLATION

Section 7: Diversity

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Contents

1. Introduction	3
2. Supporting Girls and Young Women	3
2.1 Girls' Risks and Needs	5
2.2 Female Violence and Relational Aggression	6
2.3 Harmful Sexual Behaviour	7
2.4 Risks and Needs	8
2.5 Supporting Girls and Young Women	9
3. Children from BAME Backgrounds	11
3.1 Islamophobia and Racism	12
3.2 Immigration	12
3.3. Asian Children and Young People	13
3.4 Religion	13
3.5 Supporting Children and Young People from BAME Backgrounds	14
4. Supporting Roma Children and Young People	15
4.1 Supporting Children and Young People from Roma Backgrounds	16
5. Supporting LGBT+ Children and Young People	17
5.1 Prejudice, Disadvantage and Adversity	18
5.2 Pathways into Conflict with the Law	19
5.3 What Works for LBGT+ Children and Young People?	20
6. References	22

1. Introduction

Whilst statistically most crime in Scotland is committed by white heterosexual males, there remain a substantial number of children from outwith these particular strata of society who come into conflict with the law. Their needs are as diverse as the individuals themselves and whilst they encounter similar issues to their peers, practitioners ought to be mindful that the manifestations of these issues may differ (Gleeson, Duke, & Thom, 2019). In addition to this, children from diverse backgrounds face the particular needs, vulnerabilities and prejudices associated with their identities, which may include membership of more than one group. A young person's race, religion, economic background, sexuality, sex, gender identity and many other factors may affect their lives. These factors work both independently and in concert, impacting every individual differently. This statement is also true for children who come into conflict with the law and, for some, these intersecting themes may bear great significance in the circumstances which lead to them coming into conflict with the law.

As such, an understanding of the particular features of a child's life is necessary as practitioners attempt to deliver a service that is tailored to the particular risks, needs and responsivity issues encountered. It is both erroneous and risky to assume that approaches and interventions designed for one particular group are necessarily suitable and effective for another (Adler et al., 2016). This section seeks to highlight some pertinent issues, whilst recognising that it is not possible to fully describe the complex, multi-faceted lives that each individual leads; the list of demographic groups mentioned herein is by no means comprehensive.

This section attempts to draw on some of the literature and evidence and suggests how outcomes for those from diverse backgrounds might be improved. It is aimed at practitioners with direct responsibility for providing services to girls, young women, children who are Lesbian, Gay, Bisexual or Transgender or from other LGBT+ backgrounds, or those of diverse faiths and heritage. It is also relevant for managers and other professionals who may be involved in service design, commissioning and procurement. Lamentably, the paucity of research in this area (Adler et al., 2016; Knight & Wilson, 2016) - particularly within the Scottish context - limits the scope of possible guidance.

This section should be read in conjunction with '[A Guide to Youth Justice in Scotland: policy, practice and legislation](#)' which outlines the overarching legislative and theoretical context in which youth justice sits, and details principles and best practice with specific reference to [Getting It Right For Every Child' \(GIRFEC\)](#), the [Youth Justice Vision and Action Plan](#) and the [Whole System Approach \(WSA\)](#).

2. Supporting Girls and Young Women

Acknowledging that "effective working with girls and young women who have been drawn into the criminal justice system is considerably hampered by a set of interrelated problems" (Batchelor & Burman, 2004:2), those supporting girls and young women must be aware of said problems. Practitioners should also be alert to the needs of children who identify as female, with specific commentary on supporting transgender children included later in this section.

One such problem is the manner in which support is offered to females. Despite some criticism of gender-specific approaches to supporting females who offend (Leese, 2018), there appears to be broad consensus that females who come into conflict with the law “have a distinctive criminological, health and social profile and a gender specific approach to their difficulties is advocated” (Bartlett et al., 2015:132). There has historically been a tendency to group girls’ and young women’s criminal and risk taking behaviours alongside those of boys and young men (Galardi & Settersten Jr, 2018). This is due in part to the relatively low number of girls and young women, and their invisibility within systems predominantly designed for males, with limited attention paid to females (Goodfellow, 2018). Literature on children and young people who are in conflict with the law have tended to operate under the assumption that girls and boys are the same; however, it is now generally accepted that although there are similarities in some risk factors associated with offending behaviour in both boys and girls, some are more strongly associated with girls (Pusch & Holtfreter, 2018). Research regarding females who have come into conflict with the law has also tended to focus upon adults, with less attention given to adolescents (Shepherd, Newton, Harries, Fix, & Fullam, 2018). Minimal attention has been given to transgender females; however, those supporting young people who identify as female should give consideration to this section and the later comments regarding transgender young people.

Girls and young women who are involved in the justice system are generally perceived to be extremely troublesome and difficult to engage; they display a range of emotional difficulties (CYCJ, 2014) and utilise manipulative means by which to control situations. (Ellis, 2018; Galardi & Settersten Jr, 2018). Despite this, until recently little priority had been given to the development of services and gender-specific interventions for girls and young women until recently.

Girls and young women involved in the justice system “often have a range of unmet needs related to drug/alcohol usage, poverty, abuse, self-esteem issues, complex family circumstances and physical and mental health problems” (Warwick-Booth & Cross, 2018, p. 645). These additional layers of complexity make work in this area challenging.

McNeish and Scott (2014) highlight that girls display manifestations of early childhood experiences and unresolved trauma in different ways to boys, whilst Vaswani (2018) details the increased presence of Adverse Childhood Experiences (ACEs) amongst girls who pose a high risk of harm when compared to their male contemporaries. Girls and boys respond differently to external pressures in that girls are more likely to internalise difficulties, whereas boys may tend to ‘act out’ in the form of external, antisocial behaviour (CYCJ, 2014). However, girls and young women can present challenging behaviour which is unpredictable, violent and manipulative; prevalent themes include substance misuse, negative peer association, absconding and sexually risky behaviours (Batchelor & Burman, 2004; Ellis, 2012).

There is also still a marked difference in societal attitudes towards girls and boys; there is a tendency for girls to be regarded as needing greater moral protection, due in part to the nature of their risk-taking behaviours. It is acknowledged that some girls are placed in secure care due to the impact of sexually risky behaviours, victimisation and a range of mental and emotional disorders (Batchelor, 2021; Gough, 2016; Roesch-Marsh, 2014). To date, in Scotland, there remains little in the way of suitable alternative services (CYCJ, 2014), particularly in the community, which protect vulnerable girls and young women and manage

high-risk situations, whilst simultaneously addressing any complex needs they might have (Mitchell, Roesch-Marsh, & Robb, 2012).

Many girls who are placed in residential or secure care have experienced sexual abuse (Ellis, 2018; Gibson, 2022; Kendrick et al., 2008) and have encountered significant levels of adversity, including child sexual exploitation (Creegan, Scott, & Smith, 2005; Walker et al., 2005). The residual effects of trauma can often manifest in high risk behaviours including sexual exploitation and perceived promiscuity; understanding the relationship that exists between both these factors is imperative when formulating risk management plans (Ellis, 2015, 2018).

Girls are often placed in secure care as a result of risk of harm to themselves. Changes to the criteria for admission to secure care, as stipulated in the [Children's Hearings \(Scotland\) Act 2011](#) s. 83(6)(b), saw the introduction of the clause "...likely to engage in self-harming conduct". This may account for a large number of the admissions into that environment. Roesch-Marsh (2014) has therefore questioned whether paternalism has played a role in the decision-making processes involved.

2.1 Girls' Risks and Needs

Those working with girls and young women cannot merely deliver a 'gender-blind' service which replicates the model of intervention and support offered to their male counterparts (Hodgson, 2022; Sharpe, 2015). Rather, it should be acknowledged that the very fact of being female brings with it additional structural inequalities that have lifelong implications (Hodgson, 2022; Warwick-Booth & Cross, 2018). Similar criminogenic risk factors apply to both boys and girls, i.e. anti-social attitudes, pro-criminal families and associates, lack of parental supervision and unstructured leisure time (Galardi & Settersten Jr, 2018). However, it is suggested that due to societal attitudes and expectations, girls and young women can be punished more harshly than their male counterparts (Roberts & Watson, 2017). These expectations surround the socially constructed image of what a 'girl' ought to be. Those who act outwith this image face the double bind of being both 'an offender' as well as being 'unfeminine' (Burman, Batchelor, & Brown, 2017; Hodgson, 2022), with offending behaviour being described in terms of 'masculine' traits (Deuchar, Mørck, Matemba, McLean, & Riaz, 2016). 'Girls and young women who are in conflict with the law are doubly disadvantaged: they may be treated more harshly based on the view that they should not be involved in 'male' behaviour whilst they are expected to adhere to a stereotype of femininity which owes much to patriarchal society (Batchelor, 2021).

Despite evidence which indicates that girls' offending, vulnerability and desistence follows a different pathway from that of boys (Burman & Batchelor, 2009), and that focusing on male criminogenic factors is less likely to impact on girls' behaviours, there remain a lack of gender-appropriate services which address girls' complex needs (Mitchell et al., 2012). Girls are less likely to be referred to existing services, as the actual numbers are relatively low in comparison to boys. They are also more likely to fail to engage, as these services have been designed primarily around the needs of boys (Rigby, Jardine, & Whyte, 2011; Wilson, 2015). Where services or programmes for girls do exist, they tend to focus on sexuality and sexual health; , whilst this can be useful in addressing one aspect of concerning behaviour, it limits their ability to meet a wider range of complex needs. Moreover, some authors argue that the evidential basis of such programmes are not universally positive (Goodfellow, 2018).

Girls require a more individualised and gender-specific assessment process as risk factors related to recidivism in females are more associated with poor parenting, dysfunctional family environments and absconding. Girls and young women respond to relationship-based support and the use of strength-based holistic models of intervention (Wilson, 2016). Offending and risk-taking behaviour is frequently a result of family breakdown where girls may have been thrown out of, or may have left, the family home and do not have appropriate/stable accommodation. Poor relationships within the family home, bullying, bereavement and loss, and experience of the care system are just some pre-disposing static and dynamic risk factors that may contribute to girls offending and at times affiliating themselves, albeit in very small numbers, with gang culture (Batchelor, 2009). Overall, the lives of girls and young women who come into conflict with the law are replete with multiple adversities and oppression (Ellis, 2018; Henriksen, 2015; Pasko, 2021).

2.2 Female Violence and Relational Aggression

Forms of male aggression have received significant levels of attention, whilst those more prevalent in girls have had less recognition in recent years. Because of this, the knowledge base regarding girls who are aggressive is also limited (Crick, Ostrov, & Werner, 2006), although Goodfellow (2018) argues that females generally engage in less serious matters.

What is known, however, is that young women who come into conflict with the law during adulthood generally do so for different reasons to their male counterparts. Studies in England and Wales reported that where violence has occurred, girls' accounts of their behaviour included the need to be self-reliant and to protect others they cared about. Violent behaviours were also linked to issues around control, self-respect, self-protection and victimisation (Arnall & Eagle, 2009); fractured inter-familial relationships have also been found to play a role in acts of violence (Batchelor, 2021)

Although exposure to - and fear of - violence are common amongst young women in conflict with the law, this could be a reflection of the disproportionate experience of violence in their own lives at the hands of families, peers and other associates. Many studies attribute these poor quality attachments and social bonds as a driver for gang affiliation and a feature in those young girls/women involved in acquisitive crime, sex work and drug related offences (Batchelor, 2009; Khan, 2013).

UK research on violent youth gangs typically focuses on the experiences of young men, and studies emphasise gangs as a male phenomenon with little attention paid to girls and young women (Hodgson, 2022; Southgate, 2011). While many youth gangs are recognised as having some mixed gender membership, the majority of participants are male, and the gang has therefore been regarded as a masculine arena. Young men living in areas of extreme deprivation and in places with a tradition of gangs have been encouraged to engage with gangs and their violent practices as a means of securing masculine identities. Where attention has been given to the role of young women in gangs, and to gender relations, young women have generally been depicted as accessories or girlfriends, referenced in terms of their sexual activity and as victims of male violence and sexual exploitation (Southgate, 2011; Trickett, 2015).

As most gang members are predominantly male, studies of young women and gang-related crime seek to dispel the myth that girls join gangs simply because they are either violent tomboys or 'put-upon' victims (Batchelor, 2011). Girls' motivation to join gangs is often to

achieve a much sought-after emotional connection and ultimately to feel a sense of belonging, perhaps not in society as a whole but certainly within the gang itself (Khan, 2013).

Young women and young men report membership of a gang as delivering physical protection from others. One Scottish study concludes that girls are not just passive members but that, like boys, they will spend time with groups from the same territory to achieve both status and a sense of belonging (Batchelor, 2009). Young women have also reported being directly involved in gang fights and in instigating and encouraging violence. Some admit to carrying or concealing weapons or drugs on behalf of boys (McAra & McVie, 2010).

Relationships are particularly important for girls, reflecting the difference in how they socialise and develop their sense of identity. Boys develop their identities by differentiating themselves from others and are more likely to direct their aggression towards victims unknown to them. Girls are more likely to develop their identity and sense of self-worth relationally, via connection with others, (Girard, Tremblay, Nagin, & Côté, 2018).

While girls do engage in some direct and physical forms of aggression, relational aggression is more prevalent (Björkqvist, 2018). Relational aggression is generally described as any behaviour which is intended to harm someone by damaging or manipulating their relationships with others. It is the use of exploitative, exclusionary or hurtful behaviours to undermine status, self-esteem or inclusion (Blain-Arcaro & Vaillancourt, 2016). Unlike other forms of aggression and bullying, relational aggression is not as overt and can therefore be more difficult to identify; however, it is equally damaging. It should be noted that relational aggression is not social or class specific. Raising awareness amongst more universal providers might lead to earlier and more effective interventions.

Relational aggression can take many forms including: ignoring; exclusion; negative body language or facial expressions; sabotaging the relationships of others; gossip and rumour spreading; name-calling taunts and insults; intimidation; manipulative affection; and alliance-building.

The importance of relationship-based work with girls and young women therefore cannot be overestimated. Relationships are central to effectiveness and good practice throughout both the assessment process and service delivery; they should be the foundation for capacity-building, empowerment and developing potential. Workers should incorporate the following principles when building relationships and delivering support to women and girls:

- individualisation
- purposeful expression of emotion
- controlled emotional environment
- acceptance
- non-judgemental attitude
- client self determination
- confidentiality

(Trevithick, 2003)

2.3 Harmful Sexual Behaviour

Whilst instances of young women displaying sexual behaviour that is harmful to others are relatively rare (Balfe, Hackett, Masson, & Phillips, 2019) professionals ought to be mindful that proportionate assessment, risk management and interventions remain necessary when behaviours of this nature are identified. [Section 15](#) of this guidance provides a

comprehensive overview of approaches to working with young people displaying Harmful Sexual Behaviour (HSB). Research suggests that girls who display such behaviours are often slightly younger than boys and have often experienced considerable trauma in their lives (Hendriks & Bijleveld, 2006). A combination of holistic and targeted approaches that help young people move forward in their lives and make sense of past experiences while assisting them in modifying behaviour has been found to be the most beneficial (Halstenson Bumby & Bumby, 2004).

More recent concern has been focused on young people, particularly the impact on girls, in relation to 'sexting' - a terminology used in the media and by researchers over the last few years to refer to sexual communications with content that includes pictures and text messages, sent using cell phones and other electronic media. Although some studies have indicated that this behaviour is prevalent amongst adults, of particular concern is youth produced sexual images defined as "images of minors, created by minors that could qualify as child pornography under applicable criminal statutes" (Wolak & Finkelhor, 2011, p. 1).

Sexting can cover a range of behaviours from consensual and experimental activities between peers who are romantically involved through to aggravated behaviours that involve a criminal element. Aggravated sexting includes the online coercion of a child to take sexual photographs, or which involves abusive behaviour by other minors such as threats, malicious conduct, sexual abuse, or sending images without the consent of the individual concerned. Wolak and Finkelhor (2011) provide a useful typology of sexting involving young people, which can help practitioners in scaling the seriousness of 'self-victimising' behaviour involving new technologies. It is important to recognise that every nude or sexual image of a person under the age of 18 can be deemed an indecent image of a child under [current legislation](#).

2.4 Risks and Needs

In a study of the population within Scottish secure care, Gibson (2020, 2021, 2022) found that girls had encountered significant levels of challenges, including a greater prevalence of ACEs than the boys cared for in that setting. There are also proportionally higher numbers of young women in prison with significant care histories compared to male prisoners (Goodfellow, 2018; Roberts & Watson, 2017). Girls rely on relationships to work through key areas in their lives, and this level of disruption and chaos may impact on their emotional development and contribute to the decisions and choices to engage in offending and anti-social behaviours (Khan, 2013). Relationships too may be the predominant factor in supporting them to achieve a period of desistance (Abrams & Terry, 2021).

Girls experience education differently from boys, encountering a wide variety of sociological pressures unique to them. These may, in turn, impact upon their engagement with education (Hodgson, 2022), and in some cases lead to self-exclusion (Fisher, 2019). Education plays a role in the perpetuation of gender stereotypes and the limiting of opportunities, but can also be the means by which girls can reach their potential (Kollmayer, Schober, & Spiel, 2018).

Many behavioural problems experienced by girls are related to dysfunctional interpersonal relationships - in many instances family relationships. In contrast to boys' aggression, which is more likely to be directed towards strangers, girls' aggression during adolescence is more often the result of the breakdown of significant relationships or associated issues (Björkqvist, 2018).

Gender differences exist in the strategies and mechanisms employed to cope with anxiety and stress. Boys may act out frustrations and problems via overt physical aggression and self-serving rationalisation, while girls will internalise problems and display negative emotional behaviours such as self-blame, self-harm, risky sexual behaviour and low mood (Tamm, Tõnissaar, Jaani, & Tulviste, 2018). Vulnerable girls may display highly chaotic behaviours and have complex needs; they experience higher rates of mental ill-health and more emotional problems compared to their male counterparts. High levels of sexual vulnerability linked to substance misuse and lack of supportive and nurturing relationships highlight the need for effective community based measures to manage risk and reduce vulnerability. There is a need for support and services to address the anger issues and emotional distress that are often exhibited through self-harm (Batchelor & Burman, 2004).

Risk assessment tools - often designed with white males in mind - may not be best placed to evaluate the likelihood of offending or risk-taking (Pusch & Holtfreter, 2018) despite similar risk factors affecting both genders (Galardi & Settersten Jr, 2018). Research has shown that risk assessment of females in the justice system is often inaccurate, with complex vulnerabilities being mistakenly characterised as criminogenic factors, leading to a more punitive response which may appear unfair to the girl in question (Goodfellow, 2018). A deeper, more careful understanding of the drivers behind the behaviours in question, and of the lives of girls and young women is therefore necessary in order to produce a meaningful formulation of risk (Olver & Stockdale, 2022).

Support and services for girls should be based on a therapeutic approach addressing problems in a holistic way with a focus on addressing behaviour problems within an interpersonal context (Warwick-Booth & Cross, 2018). Consistency in contact with motivated, trained workers is crucial in the engagement of girls, and staff should be trained in gender identity and development. Research has shown that girls - in general - value social justice and relationships more than their male counterparts (Bondü & Elsner, 2015). Girls generally respond positively to supports which involve the minimum amount of professionals required in face-to-face contact.

2.5 Supporting Girls and Young Women

Many elements of effective practice with boys are equally successful with girls. However there are components and principles which are particularly advantageous when providing support to girls. The following issues may be worth considering:

Ensure that girls are not disadvantaged in avoidable ways relative to boys

Girls' problems can sometimes be more difficult to recognise due to the often covert nature of their behaviour. Low numbers of girls being referred to social work and partner agencies in relation to offending behaviour (in comparison to boys) can lead to them becoming marginalised, as services specifically for girls are often viewed as not viable in terms of economy or scale. As most existing interventions are derived from research focused on males, they are less likely to impact on the problems experienced by girls.

Be based on a therapeutic model which is evidenced based

Interventions should be holistic in nature, derived from robust theoretical perspectives and address multiple and complex needs (including criminogenic needs), in a continuum of care. Programmes should not only be specific to gender, but also to age and stage of

development, ethnicity and culture. Whilst interventions should be holistic in nature, the number of professionals directly involved in delivering services should be kept to a minimum to allow relationships to be built founded on mutual trust and respect.

Take proper account of the circumstances contributing to girls' behaviour and the associated risks of recidivism

The nature and severity of risk-taking behaviours in many girls and young women may be attributed to trauma and neglect. Because of the history and entrenched nature of some of these behaviours, a pragmatic approach needs to be taken to the reality of recidivism when attempting to address underlying problems. For many girls and young women, life will have been about the need to survive. They may have developed specific coping mechanisms and strategies in order to achieve this, such as self-medication and self-harm. In cases such as this, recidivism is almost inevitable during the period of young women learning new skills and develop more self-confidence in putting these skills into practice. Practitioners should not expect girls and young women to desist immediately.

Recognise the importance of relationships in girls' lives and use these to construct alternative attitudes and lifestyles

Girls and young women are more likely to engage with services that are supportive in nature, recognise the value of individuals and wherein relationships with staff are based on mutual respect and trust. Relationships are of paramount importance to how young women construct their identities and relate to the outside world; they report their relationships, particularly with female peers, as the most significant.

Promote the constructive use of networks of support - family, professional and social

Young women may become isolated in the community, particularly following a period of care or custody where they may have lost traditional family and social support networks. As far as possible, rebuilding family relationships should be prioritised (Farmer, 2019). Relationships forged prior to, and whilst in care or custody, may be founded on anti-social or pro-criminal attitudes and associations. Even if young women are not returning to the family home due to internal conflict, the importance of support from immediate family, where appropriate, and significant others needs to be recognised and should be mobilised. Stable and appropriate professional support should be provided and other pro-social relationships which are stimulating and bring stability should also be encouraged. Interventions should target practical, educational and health needs including mental and emotional wellbeing. Much emphasis is placed on the need to deal with the effects of trauma and mental health; however, other needs such as physical health and access to education, training and employment should not be underestimated in terms of promoting emotional and mental wellbeing, and the formation of a positive identity.

Be trauma-informed

Have the ability to deal with a range of problems and symptoms whilst being mindful of the impact of trauma, leaning on the [NHS Trauma Framework](#) as necessary, and [other summary guides](#). Levenson (2017) writes of the particular challenges front line social workers face when attempting to incorporate trauma-informed practice.

Recognise the significance of mental health issues in girls

It is important to recognise the significant mental health difficulties encountered by many women in the criminal justice system (Burman, Malloch, & McIvor, 2015; Goodfellow, 2018).

Often these issues are undiagnosed and young women are unable to access the appropriate services (Wilson, 2014).

Encourage girls to become more self-reliant and independent

Often girls and young women have not had the opportunity or encouragement to think or do things for themselves. Knowledge and skills required to develop into successful adults should be imparted in a manner which is empowering and allows young women to become self-sufficient and less dependent on others.

Provide access to female staff

Ensure staff are trained and skilled in dealing with sensitive emotional issues, and are familiar with issues regarding gender identity and female development (Warwick-Booth & Cross, 2018). There may be occasions where the child feels more comfortable working with a male staff member, however.

Create a female friendly environment

It is not always viable to provide a physical space which is reserved exclusively for females; however, an environment can be created which allows time for girls and young women to be with other females, in a supportive, positive and non-stressful atmosphere.

Gender specific training

Supporting vulnerable and high-risk young girls can present many challenges for workers as they attempt to understand the causation behind presenting behaviours. A robust programme has been developed for staff that covers key themes and issues that impact on working effectively with girls and young women. This resulted in the creation of 'Improving Practice for Girls' - To Cut A Long Story Short' which in turn, developed into an SQA accredited course assessed at SCQF [level 7](#) and [level 8](#). These courses can support the workforce to develop an understanding of the causes of female offending and risk-taking, alongside an appreciation of the skills and techniques required to address them. Organisations who wish to deliver this training course should make contact with the SQA in the first instance.

3. Children from BAME Backgrounds

Whilst the proportion of people from minority ethnic groups doubled from 2001 to 2011, the [Scottish census](#) reports that the people who identify as such account for just 4% of the overall population. Amongst that 4% who belong to minority ethnic groups, three-quarters are Asian (primarily sub-continental Asia), with smaller figures from China. White Scottish accounted for 84%, with White (Other British) and White (Other White) representing 8% each. African, Caribbean or Black groups made up 1% of the population of Scotland.

Across the UK, people of BAME heritage have faced significant discrimination, disadvantage and prejudice. This has included within the criminal justice system (Adams & McCarthy, 2020; Lammy, 2017; Qasim, 2018). The 1999 [Stephen Lawrence Inquiry](#) found the Metropolitan Police to be guilty of 'institutional racism' whilst Sir Iain Livingstone – the Chief Constable of Police Scotland – [acknowledged that this was an issue](#) amongst Scottish policing as recently as May 2023. In England, black children and young people are more likely than their white peers to be stopped by police (Lammy, 2017; Wainwright & Larkins, 2019). The labelling of Muslim males as a risk to the public and to the state may also

contribute to more severe treatment by police and in court, similar to the way in which young black people receive lengthier prison sentences, and individuals from ethnic minorities receive police bail less often than white counterparts (Qasim, 2018). These issues may lead those who are of BAME heritage to hold negative attitudes towards practitioners in the justice field (Gleeson et al., 2019).

3.1 Islamophobia and Racism

Practitioners seeking to support this population must therefore be mindful that Islamophobic discrimination may have an impact upon the presentation, wellbeing and vulnerability of those whom one seeks to assist. Islamophobia pushes Muslims into the margins of society (Finlay & Hopkins, 2019), with literature reflecting the perception of a community 'under suspicion' (Finlay & Hopkins, 2019, p. 17) by the state, media and public. In some cases, Islamophobia may have been an antecedent in the offence itself.

Islamophobia has both institutional, and non-institutional forms, manifesting itself both within the prejudicial attitudes of individuals amongst the community, and in political ideologies and agendas. It variously involves face to face prejudice, online abuse (Vidgen & Yasseri, 2020) and explicit acts of personal assault, whilst also taking form in the systematic degrading and hostility shown to the individuals through political rhetoric and posturing (Finlay & Hopkins, 2019; Poynting & Briskman, 2018) which characterise Muslims as a risk to society (Isakjee, 2016).

Whilst anti-Muslim rhetoric and activity have a history in the UK dating back to medieval times (Poynting & Mason, 2007), Islamophobia has become more prevalent since the 9/11 terrorist attacks in 2001 although it should be noted that it has been a significant issue since the late 1980s (Bonino, 2019; Finlay & Hopkins, 2019). These incidents have led to the portrayal of Muslim men as deviant and radicalised (Qasim, 2018). Racist attacks upon Muslims were found to spike following Al Qaeda or [Daesh](#) inspired attacks, whether that be in Scotland, the UK or Europe (Bonino, 2019).

As with all groups from diverse backgrounds, girls of Asian heritage encounter discrimination. A recent small survey of female Muslims in Scotland carried out by [AMINA](#) reported that 74% of respondents had encountered a hate crime ranging from verbal insults to physical assault. Some 65% of victims did not report the matter to police or other authorities. Prior research has shown that abuse of Muslim individuals takes place within multiple *loci*: work; transport; pedestrian area; in commercial properties, and when seeking employment (Bonino, 2019).

These circumstances may contribute to significantly higher than average rates of unemployment, which - in turn - can lead to poverty, which subsequently leads to seeking to meet personal goals, ambitions and need in criminal manners. Whilst this theory of crime - [Robert Merton's strain theory](#) - is not unique in describing minority groups, the increased prevalence of poverty and disadvantage in this population may somewhat explain their pathway into conflict with the law.

3.2 Immigration

Underpinning the issues of Islamophobia and racism are attitudes towards foreign nationals, or at least *some* foreign nationals. McLean, Holligan, and Riaz (2019) note the media

portrayal of people seeking asylum and refugee status in the UK is one which often presents them as criminals, whilst foreigners in general are often depicted as being involved in organised crime. These authors add that those coming from outwith the UK often experience economic and structural inequalities that disadvantage them. In both these instances, one could argue that these particular groups are being stigmatised and 'othered' in a manner that has often befallen minority groups over the preceding decades.

Given the backdrop of discrimination, racism and prejudice, practitioners supporting children from BAME backgrounds and other minority groups must remain mindful of the context of the child's reality. Understanding the scale, impact and effects of such treatment ought to be an important part of any holistic, ecological assessment. Yet confidence amongst Scottish youth justice practitioners when supporting young people who identify as BAME - and who therefore may face the fullest effects of the anti-immigration narrative - has been found to be lower compared with those colleagues delivering services in more ethnically diverse locations across the UK. (Gleeson et al., 2019).

3.3. Asian Children and Young People

Whilst work has been undertaken to examine the pathways that girls take when entering the various justice systems, there is "still little recognition of the impact and influence of ethnic, cultural and religious factors in the lives of minority ethnic girls" (Toor, 2009, p. 241). Appreciating the intersecting issues that affect BAME girls is therefore of paramount importance for those seeking to support them.

Asian girls who come into conflict with the law not only receive the disapproval of the state but can bring shame and dishonour upon themselves and their families. Furthermore, Asian females are often deemed responsible for protecting and maintaining respectability, therefore this capacity to bring shame upon the family is more acutely felt than it would be with male siblings (Toor, 2009). Adult males - particularly fathers - can lose social status should their daughters become involved in 'dishonourable' behaviour. What 'dishonourable behaviour' looks like is not proscribed nor fixed, and - in the western world - is subject to change over time (Toor, 2009). Asian families are traditionally a highly patriarchal society, with specific roles assigned to each member of the family. (Adams & McCarthy, 2020). Coming into conflict with the law can not only contribute to broken relationships with the family, but carries the risk of being shunned and excluded from their wider community should the particular behaviour be deemed to have brought shame upon that community (Adams & McCarthy, 2020; Toor, 2009).

Socioeconomic status, gender, sexual identity, sexual orientation and other intersecting characteristics do, of course, mean that some Muslims' experiences vary significantly (Isakjee, 2016). Practitioners must not consider those of the Islamic faith to be a homogenous group (Dagkas & Benn, 2006), but rather acknowledge the 'nuanced reality of hybrid identities of British Muslims' (Isakjee, 2016, p. 1342).

3.4 Religion

Scotland is growing more secular as time passes, with the proportion of residents identifying as Christian falling to just over 50% at the last census, and those of 'no religion' close to 37% (Deuchar et al., 2016). The 2011 census found that 1.4% of the population identified as Muslim, equating to some 76,737 people, with the largest constituency being found in

Glasgow. The Muslim population is young, with just over 50% aged under thirty (Hopkins, 2018); this youthfulness is perhaps one reason for an increase in criminality amongst this part of the population (Qasim, 2018). Other religious affiliations - as reported in the [2011 census](#) - equated to under 1% each.

In some cases, religion has been shown to have a positive effect on the wellbeing of individuals, as well as the process of desistance. Deuchar et al. (2016) outline many of the benefits of prison chaplaincy, which offers a non-judgemental, safe and accepting environment - akin to unconditional positive regard first described by Rogers (1959) - that provides "practical, social and environmental support" (Deuchar et al., 2016, p. 147) which is perhaps not always as readily available as one would hope. Qasim (2018) makes a similar point, providing an account of young Muslim men who seek the support and structure of the Islamic faith whilst in prison, in part due to the boredom experienced within the English prison system. These authors make comparison to the work of McNeill and Maruna (2008) who discuss the role that identity shift plays in the process of desistance, suggesting that - for some - prison is an opportunity to engage in spiritual and religious contemplation which in turns contributes to the process of desistance.

Faith leaders can also play a role in supporting children, young people and their families within the community, assisting them to overcome the isolation and shame that they may experience (Adams & McCarthy, 2020). It may similarly prove apposite to seek the help of religious leaders in the development and delivery of appropriate interventions (Gleeson et al., 2019).

3.5 Supporting Children and Young People from BAME Backgrounds

Gleeson et al. (2019) note that practitioners ought to be mindful that interventions developed in the course of working with one particular minority group may not necessarily affect positive change when working with another. It cannot be assumed that successful interventions with young black males will necessarily be effective when working with Asian girls, for example; Williams and Durrance (2017) are clear that those from BAME backgrounds cannot be treated as one homogeneous group. Furthermore, austerity and subsequent reduced funding has resulted in services encountering difficulty in equipping themselves with interventions that are specifically accredited and proven to work with each diverse group (Gleeson et al., 2019).

Some suggestions are offered, however, which may assist practitioners to provide support that best fits with the particular characteristics of the child or young person who requires support:

- **Build deeper connection to culture** One way of supporting those from BAME backgrounds could be to foster greater connection to their social, religious or ethnic culture, if that does not present as a risk factor in itself. As Wainwright and Larkins (2019) suggest, providing opportunities to protect and build relationships with family members can assist in addressing criminogenic risk factors. This may prove more difficult than when supporting white children, with Adams and McCarthy (2020) highlighting the ways BAME families can be shunned within their communities

- **Seek guidance from role models** In the absence of opportunities for young people to deepen family connections - or indeed in addition to doing so - community role models can be sought. Gleeson et al. (2019) suggests enlisting the assistance of religious leaders, for example. Increasing the number of BAME staff within justice services may go some way towards creating an environment in which both the young person and practitioner can examine and understand the “shifting sands of identity, ethnicity and racism” (Wainwright & Larkins, 2019, p. 14).
- **Confront racism** Acknowledging and addressing - as far as possible - racism can, in itself, assist the process of desistance (Wainwright & Larkins, 2019) and could play a significant role in demonstrating practitioner empathy and solidarity. Assisting the young person to examine the underlying drivers and impact of racism can also help them to gain awareness of the power dynamics that influence their life, and therefore increase their knowledge of themselves (Williams & Durrance, 2017).
- **Demonstrate cultural competency** When practitioners learn about the cultures and religions of those they seek to support, and reflect on their own heritage, improved relationships can be fostered. Acknowledging a lack of knowledge over particular aspects of religion, and using this as an opportunity for the child or young person to impart knowledge, would seem to be a productive approach to adopt.
- **Equity not equality** Practitioners ought to be mindful of the danger of applying a ‘colour-blind’ approach which falls into the trap of equating similar provision with anti-discriminatory practice. Rather, those supporting BAME individuals should adopt different approaches to providing support than when doing so with non-BAME groups. Doing so recognises that achieving equity sometimes requires differing approaches (Goodman & Knight, 2016).

4. Supporting Roma Children and Young People

Roma identity is not necessarily related to nationality; Roma people reside across various countries in Eastern Europe, but predominately live in Bulgaria or Slovakia, with sizeable populations across most major cities in Europe (Poole & Adamson, 2008). Romani people have been a marginalised, oppressed group for centuries (Mullen, 2018), facing persecution in almost all nations they have resided in since migrating to Europe from northern India in the 11th century (Poole & Adamson, 2008). This discrimination has continued to the present day (Clark, 2014), and their future is [still unclear](#) following the decision of the Westminster Parliament to depart from the European Union.

Modern day migration and movement of Roma people has been driven by both ‘push’ factors such as unemployment, discrimination, limited confidence in government institutions as well as ‘pull’ factors such as education and employment opportunities, or seeking a better quality of life (Clark, 2014).

Romania joining the European Union in 2007 led to an increase in immigration by children and families from the Roma population, although a sizeable number of individuals had entered the UK by 2004 (Glasgow Roma-NeT, 2013), and in the early 1990s (Clark, 2014). The reaction to this has been less than welcoming at times (Poole & Adamson, 2008) with the population being demonised by media and political representatives (Clark, 2014; Mullen, 2018). Stigma is a significant issue for Romani people, with stereotypical images depicting them in a negative light; this is often perpetuated amongst the media. These tropes have been reinforced and perpetuated to such an extent that Clark (2014) questions whether a moral panic disproportionate to the true scale of the issue has been formed. Mullen (2018) adds to this, suggesting that Romani people have been problematised through the media and political discourse.

The Roma population in Scotland can predominantly be found in the Southside of Glasgow, although smaller communities are in Fife, Edinburgh and Aberdeen (Social Marketing Gateway, 2013). Despite localised attempts to respond to the needs of Romani, concerns continue over basic human needs including employment, healthcare, education and housing, with unscrupulous employers and landlords exploiting the precarious situation (Clark, 2014). Iriss have produced a [short summary](#) which may be useful to practitioners wishing to familiarise themselves with the situation faced by Romani people.

The scale of crime amongst the Roma population is hard to state with any significant confidence or reliability (Mullen, 2018); however, Gypsy, Traveller and Roma people are [over represented](#) within the custodial system in England and Wales, and have a higher incidence of suicide within those settings. The [Lammy Report](#) found that this population experienced multiple welfare and rights issues, yet limited data and research was available to examine this in greater detail. Greenfields, Cemlyn, and Berlin (2015) make similar points, calling for improved community engagement from police, and additional support within education. In Scotland, Romani are said to be one of several overlooked populations (Batchelor, Armstrong, & MacLellan, 2019); this is echoed by research from Spain which demonstrates the inaccuracy that actuarial risk assessment tools encounter when used amongst Roma populations. Gomis-Pomares, Villanueva, and Adrián (2022) found that in addition to inaccuracy of risk-formulation, a greater prevalence of risk factors was encountered in children from Roma backgrounds, thus calling for cultural sensitivity and awareness of the possible invalidity of such an approach.

4.1 Supporting Children and Young People from Roma Backgrounds

Research on how best to support children in Scotland from Roma backgrounds who come into conflict with the law is extremely sparse. In light of this lack of literature, the Traveller Movement report "[Overlooked and Overrepresented](#)" - which examined the experiences of Gypsy, Traveller and Roma children within the justice system in England and Wales - is of particular benefit. Drawing on this report, CYCJ encourages support that incorporates the following features:

- **Develop trusting relationships**

As a de facto agent of the state practitioners represent authority, yet in the past in various nations - including the UK - people in positions of power have abused their

authority, resulting in negative outcomes for Romani. Mindful of this, practitioners should invest additional time to develop a trusting relationship over and above the distrust that children, young people and their families often feel towards organisations.

- **Address language barriers**

Romani people may speak one or more language, and the region that they and their family originate from will have a bearing on which particular dialect or language they speak. It should not be assumed that adults - in particular - speak English, and therefore the use of an accredited interpreter should be employed. Iriss have published a useful guide to [using an interpreter](#), which practitioners should refer to prior to undertaking this area of work; it is a complex and delicate skill to master. The use of a child to interpret must be avoided. At organisational level, recruitment of staff who can fluently speak the necessary languages would be a significant step towards overcoming this issue.

- **Acknowledge poverty issues**

Poverty is an issue that runs throughout the justice sector but is perhaps most acutely experienced by Roma people. Employment opportunities are often limited, and as such reliance upon state benefits is necessary. Practitioners should be mindful of the [changing regulations](#) regarding entitlement, and seek the support of welfare rights officers or [Scottish Citizens Advice](#) in this regard.

- **Promote integration and participation**

Romani, perhaps more than any other group in society, have limited opportunity and power to influence and shape change. As Scotland seeks to enhance opportunities for children to participate in civic life, there is a risk that the most marginalised groups are left behind. Practitioners may therefore wish to consider linking with existing community groups - such as [Romano Lav](#) in the Southside of Glasgow - to develop cultural connections that provide children with the opportunity to participate in society. Educational engagement in particular should be encouraged, with guidance produced on how to [create positive environments](#) for Romani children.

5. Supporting LGBT+ Children and Young People

The terminology LGBT+ has been adopted within this piece. It reflects four major constituent populations: Lesbian, Gay, Bisexual and Transgender, whilst acknowledging that individuals also identify using a wide range of other terms including - but not limited to - Pansexual, Gender Queer, Intersex, Non-binary and others. The + symbol therefore represents these, and all other sexual orientations and gender identities attached to the larger umbrella term of LGBT+. The term is not without its critics, but has been chosen in this instance as a means of referring to diversity of gender, sexual orientation and identity. [Stonewall Scotland](#) have provided a [glossary of terms](#), which may assist practitioners in deepening their understanding of the distinct, but often overlapping, identities.

Like their BAME contemporaries, research into the lives of LGBT+ young people who come into conflict with the law is limited, and missing from most explanations of crime (Knight & Wilson, 2016; Woods, 2014). This has led some authors to describe LGBT+ populations as

'invisible' (Knight & Wilson, 2016), and they are often ignored due to people's inability to fit them into hegemonic, heteronormative customs.

Practitioners may only have been aware that they were working with an LGBT+ young person if that information had been shared with them. For a variety of reasons, including peer bullying and parental rejection, young people often choose to keep their sexual orientation and gender identity to themselves (Moore & Reynolds, 2018).

Of course, their lives are more complex than merely an account of their gender identity or sexual orientation, and will feature intersecting dynamics of race, ethnicity, religion, (dis)ability and a whole host of other issues. For some, their life as a white, male, able-bodied gay man may include significant privilege and power. For others, it may contribute to equally potent disadvantage. Practitioners must therefore be cautious of attributing any particular circumstance in an individual's life to a specific attribute or identity. For those children and young people who come into conflict with the law it should not be assumed that gender or sexual identity has been a factor.

The historical context is particularly germane. Meek (2015) charts the repulsed tones struck by legal and civic leaders through the 17th, 18th and 19th century, with sodomy compared by many to bestiality; it was viewed as an affront to the laws of God and punishable by death up until 1887. The [Labouchère Amendment](#) of 1885 had by that point introduced 'gross indecency' into law, broadening the range of male-to-male sex acts that could result in imprisonment. Whilst some areas of the world proved more relaxed than others (Dennis, 2014), this provision remained in place in Scotland until 1976 (Meek, 2015), with other homosexual acts remaining illegal until 1980 (Moore & Reynolds, 2018). Popular culture, meanwhile, introduced non-heterosexual villains into drama, film and television (Dennis, 2014). Given the 'illegal' nature of homosexual relationships at that time, incidents of domestic violence often went unreported due to fear of criminalisation (Knight & Wilson, 2016); fear of prejudice or being 'outed' served to make LGBT+ individuals less likely to contact police.

The World Health Organisation continued to consider homosexuality as a mental illness up until 1992, and classified 'Transgender' as such until 2019. In 2000 the Scottish Parliament revoked [Section 28/2a](#) which, throughout the preceding two decades, had imposed restrictions on the scope of education that could be offered regarding non-heterosexual relationships (Meek, 2015). Meanwhile, equal rights in [civil partnerships](#) were only achieved in 2004, and in [marriage](#) in 2014. More recently, political and public opposition to the [Gender Recognition Reform \(Scotland\) Bill has proven vociferous and its passage through Holyrood has faced legal challenges](#).

5.1 Prejudice, Disadvantage and Adversity

In spite of great progress over the past 30 years in the area of legal rights for LGBT+ people, there remain significant social challenges for LGBT+ young people, with the historical discrimination highlighted above influencing and shaping the social values, ethics and attitudes of 21st century Scotland.

Children and young people who identify as LGBT+ often encounter discrimination and prejudice, resulting in them experiencing isolation and marginalisation (Knight & Wilson, 2016). Homophobia, biphobia, transphobia and other forms of bigotry can prove significant

challenges within various arenas: domestic, education, vocational, civic and community. In 2017, [Stonewall Scotland](#) reported that around 20% of the overall LGBT population, rising to 48% amongst Transgender people, had received discriminatory abuse in the previous 12 months. These incidents are rarely reported to Police Scotland (Bridger, Bachmann, & Gooch, 2017).

In education, 46% of LGBT+ children [report](#) that their experience of school is 'bad' with 96% of trans young people experiencing homophobic, biphobic or transphobic bullying during their time in education. LGBT+ students' experiences of University life also include discrimination (Marzetti, 2018). Research has also found that gay men are less likely to secure employment than their heterosexual contemporaries (Matthews & Besemer, 2015).

Intimate Partner Violence is yet a further issue for many LGBT+ individuals, with research suggesting that the prevalence is significantly higher than in heterosexual relationships (Barnes & Donovan, 2018; Roch, Ritchie, & Morton, 2010). LGBT+ survivors may fear seeking the support of police due to a reluctance to disclose their sexual or gender identity.

Substantial numbers of homeless LGBT+ young people cite a combination of familial abuse, violence and rejection as causes of home life breaking down (Gibson, 2018; Matthews, Poyner, & Kjellgren, 2019). Barriers to employment - perhaps caused through difficulties at school, or through discrimination within the application process - can lead to reduced income, which in turn leads to LGBT+ people residing in areas of increased hostility and deprivation (Matthews & Poyner, 2019).

Substance abuse often features within the lives of LGBT+ young people, particularly when experiencing periods of identity confusion and formation (Emslie, Lennox, & Ireland, 2017), with Pienaar, Murphy, Race, and Lea (2020) suggesting common use of mind-altering substances within sexual minority groups. The prevalence of stressful situations may also increase their use of alcohol (Ireland, 2019).

Nodin, Peel, Tyler, and Rivers (2015) report that 48% of Trans children have attempted to end their lives, whilst that figure is 43% amongst children who identify as Lesbian, Gay or Bisexual. Those who are Lesbian, Gay or Bisexual are more likely to experience mental ill-health than their heterosexual peers (Matthews & Besemer, 2015), as are those who identify as Transgender (Knight & Wilson, 2016).

Annual reporting from LGBT Youth Scotland shows that children and young people continue to experience a wide range of adversities and discrimination due to their sexual identity and gender. [The 2022 report](#) highlights the high rates of victimisation amongst this population, hostility within their communities and the use of coping mechanisms which may precipitate conflict with the law, amongst other issues.

5.2 Pathways into Conflict with the Law

Limited research has been undertaken into the LGBT+ population's experience of conflict with the law (Woods, 2014). That being said, there are some models which may help explain their trajectory.

As a consequence of the issues noted above, Knight and Wilson (2016) refer to the 'school to prison pipeline'. They posit a pathway similar to the following: unstable home lives,

disrupted education and discrimination combine to push the young person away from school. This, in turn affects employment opportunities and leads to poor mental health. Family disputes lead individuals to flee - or be ejected - from their home. Alcohol and drugs are used as a coping mechanism, with conflict with the law a manifestation of either a drive to procure funds, a feature of mental ill-health, or both. This example is not unique to those who identify as LGBT+, but seems plausible given the circumstances that these children and young people find themselves in.

Dennis (2014) offers further analysis of possible pathways into conflict with the law. Due to power imbalances that exist between powerful groups (mainly white, cisgender male heterosexuals) and less powerful groups (such as young people who identify as LGBT+), increased surveillance of groups that are deemed 'deviant' takes place. Increased surveillance, and stricter enforcement of laws, leads to these groups coming into conflict with the law. As such, the resulting increase in crime is not a feature of the sexual orientation or gender identity of the individual in question, but rather a reflection of the cultural biases that influence systems, organisations and individuals, thus leading society to fear or distrust (Woods, 2014).

Those whose gender identity, gender expression or sexual orientation differ from strict definitions of heterosexuality, masculinity and femininity often find themselves facing additional challenges while in custody (Fernandes, Kaufmann, & Kaufmann, 2021). Custodial environments place people close together who otherwise would not associate with each other and this elevates the risk that embedded homophobia, biphobia and transphobia will be acted upon. This is particularly problematic for Trans people. Recent challenges to the policy of holding Trans prisoners within a custodial environment aligned to their lived gender have resulted in a pause of that practice; practitioners should therefore be mindful that a Trans young person may face additional challenges were they to be sentenced to a period of detention.

5.3 What Works for LGBT+ Children and Young People?

Given the lack of research undertaken in this field, it is difficult to provide guidance that is empirically established. The following comments therefore respond to the general issues highlighted above, rather than referring to any particular evidence.

- **Equip educational staff to address discrimination**

Despite the large number of discriminatory acts which take place within school, Further Education and Higher Education settings, staff have been found to be lacking in the skills and knowledge with which to address the issue (Marzetti, 2018). Adequate training for teachers, lecturers, tutors and other related staff may well assist them to support the target of the abuse, and to respond accordingly to the instigator. Support from organisations such as the [TIE campaign](#) may prove worthwhile. Bullying policies ought to reflect the needs of LGBT+ students. In that regard, [LGBT Youth Scotland's charter](#) may prove useful to schools and organisations, whilst organisational policies and practices could be informed by the ongoing work of the [LGBT Inclusive Education Implementation Group](#).

- **Promote prolonged engagement with school and education**

Remaining in school and education has been shown to significantly improve outcomes for people later in life. As discussed earlier, LGBT+ children and young people have increased challenges in education related to their sexual orientation and/or gender identity. Practitioners should make every effort to keep children and young people in education for as long as possible.

- **Tailor practice accordingly**

Drawing on the work of Knight and Wilson (2016), Gibson (2018) highlights [practical steps](#) that can be taken when supporting young people who are LGBT+. Amongst these is the provision of non-judgemental, open and accepting environments where young people feel comfortable, and where they can discuss prejudice and discrimination they may have encountered, should they feel comfortable to do so, and where it is relevant. Careful use of gendered pronouns and language, whilst avoiding assumptions, is also recommended.

- **Mental health support**

Given the increased prevalence of mental ill-health already highlighted, counselling, support and space to attend to this would appear to be an important feature of effective support. Whilst not all children and young people will require this, practitioners should remain mindful that additional provision may be required at a future date.

- **Provide consistency and stability**

LGBT+ young people, particularly those within the justice systems, have often experienced multiple residences and fractured relationships with family and friends. Securing appropriate and consistent accommodation is therefore essential, as the young person is unlikely to enjoy any degree of safety or stability until that is achieved. Consistent relationships with those who support the child can also provide stability, and prevent them from having to repeat their story and relive traumatic experiences.

- **Additional privacy in residential or carceral placements**

Given the sensitivities over body image and privacy experienced by all children and young people, additional consideration should be given by residential providers as to changing, dressing, and living arrangements. This can provide a degree of security to all young people. It can be especially important in supporting those whose gender identity or gender expression doesn't conform to other's stereotyped expectations. Similarly, provisions should be made within Young Offenders Institutes and prisons to ensure privacy and safety.

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