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

Section 7: Diversity

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Children and Young People's Centre for Justice

Featured artwork created by children and young people with justice experience

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Language

CYCJ acknowledges that language related to gender, sexual identity, ethnicity, race and other aspects of identity are contested terms, the meanings of which shift and change over time. The use of a certain terms can cause distress and harm unless used in a sensitive manner.

This chapter hopes to do that, having taken guidance from relevant bodies in this field. Wherever possible, contested terminology is avoided in order to avoid causing offence or perpetuating stereotypes associated with diverse cultures and backgrounds.

You can read more about CYCJ's approach to diversity and inclusion through this statement.

1. Introduction

Whilst statistically the vast majority of 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 (Huggins & Baidawi, 2024; Staines et al., 2023; Staines et al., 2024; van den Brink, 2022, 2024). 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 each 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 engaging with the justice systems.

As such, an understanding of the features of a child's life is necessary, as practitioners attempt to deliver a service that is tailored to the risks, needs and responsive to 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 written in the acknowledgment that much of the training delivered to social work and allied professionals draws from a Eurocentric, predominantly white group of scholars despite recent moves to 'decolonise' the curriculum across universities and other learning organisations (Garrett, 2024). 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 lack of research in this area (Adler et al., 2016; Knight & Wilson, 2016) - particularly within the Scottish context - limits the scope of possible guidance. Recently commissioned research seeks to address this gap, albeit that publications are some time away.

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. Intersectionality

It is important to preface the following chapter with an introduction to and recognition of intersectionality. Intersectionality is a theory, a framework, a praxis and a methodology that illuminates how multiple inequalities intersect. Intersectionality was born out of an analysis of

Black women's experiences, which neither the experiences of a Black man nor the experiences of a white woman were able to accurately capture. It was critical race theorist and legal scholar Kimberlé Crenshaw (1989) who highlighted the unique intersection of both gender discrimination and race discrimination that Black women face, and thus, the term 'intersectionality' was introduced. Scholars have since expanded on Crenshaw's definition to highlight where a single-issue analysis (i.e., race, or gender, or sexuality) is inadequate. While Crenshaw has acknowledged that indeed, intersectionality should not be reserved only for an analysis of race and gender, it is important to acknowledge the history and origin of this approach.

The following sections highlight the diverse needs and challenges of children and young people from a variety of racial, ethnic, sexual identity and gender backgrounds. Whilst each of these identities and profiles are relevant as practitioners and policy makers consider how best to create effective responses, it is important that they are not viewed in isolation. By viewing aspects of a person's life in isolation or operating along single axes – in terms of race, gender, class or sexuality – without considering how they interact and overlap with each other, a narrow and limited understanding can be formed. Rather, each individual must be recognised as the complex, multi-dimensional and unique person that they are, replete with an identity forged through a combination of disparate and interconnected factors. For further reading on intersectionality this NSPCC podcast may prove helpful, as is this webinar by Kimberlé Crenshaw.

3. Gender specific care

This section seeks to provide context and understanding of the specific issues encountered by girls and young women who come into conflict with the law. 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.

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, p. 2), those supporting girls and young women must be aware of the interrelated, complex issues that these authors refer to.

One such problem is the way 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, p. 132). This therefore calls on a gender specific approach to be adopted, yet 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 coming into conflict with the law, 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 has 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 et al., 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.

The profile of those girls and young women who come into conflict with the law is also of particular importance. They “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). This is echoed by Batchelor (2021, p. 94), stating the lived experience of young women involved in the justice system

> “were characterized by: family breakdown and disruption; experience of local authority care; drug and alcohol (mis)use; poor educational experiences and outcomes; unemployment; and poverty. Family and peer environments were characterized by male domination (especially physical domination) and pervasive control over girls and women (particularly over their sexuality).”

The extent of these matters are often greater than amongst the male youth justice cohort (Staines et al., 2023). These additional layers of complexity make work in this area challenging, requiring support and intervention that address a broad range of factors which persistently interact with one another.

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. As shown in this CYCJ 2014 info sheet 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. However, girls and young women can present challenging behaviour which is unpredictable and violent at times, particularly when issues relating to substance misuse, negative peer association, absconding and sexually risky behaviours are present (Ellis, 2012). However assumptions over such behaviours should be avoided, with Staines et al. (2023) pointing out that unpredictable or violent behaviours could be related to attempts to survive abusive, traumatic environments rather than an explicit desire to cause harm.

Moreover, Shaw (2024) warns against gender biases influencing the way in which practitioners and legal actors perceive girls who have come into conflict with the law. Batchelor (2021) argues that these biases stem from the inflexible and stereotypical views of gender that are held amongst society, where girls and women are held to far higher standards than their male counterparts, and are faced with a hostile, punitive response when they behave contrary to societal norms. Girls and women are often stereotyped as fulfilling caring and attentive roles within society, whilst boys and men can be stereotyped as being more domineering, vocal and physical. Moreover, there is a marked difference in societal attitudes towards girls and boys; stereotypes and tropes regard girls 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, 2014b). To date, in Scotland, there remains little in the way of suitable alternative services as explained in this CYCJ 2014 info sheet, 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 et al., 2012). Violence caused by girls and young women has recently been explored by No Knives Better Lives in their 'The Lassies Are No Feart' report, in which a range of contributory factors have been highlighted. Amongst these are family relationships being both a trigger and an underlying, predisposing factor of violence; in short, girls and young women receive messages that condone violence, and perceived disrespect to their family can incite episodes of violence. Other factors that could contribute to such behaviour include peer relationships that can promote harmful acts, social media that amplifies interpersonal difficulties, and emotional dysregulation exacerbated by substance abuse.

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 et al., 2005; Walker et al., 2005). Similar experiences are common amongst the custodial estate (Whitelaw & Gibson, 2023). The residual effects of traumatic events such as this can often manifest in high-risk behaviours, including sexual exploitation. Understanding the relationship that exists between traumatic experiences and acts of harm to others is imperative when formulating risk management plans (Ellis, 2015, 2018). More recently, Dixon (2023) outlined the factors that contribute to children of all genders becoming involved in Criminal Exploitation of Children, with exposure to childhood adversity being one contributing factor. Whilst the relationship between adversity and exploitation is not causal, practitioners should be mindful of the potential for this to impact upon risk, behaviour and wellbeing.

Girls are often placed in secure care as a result of risk of harm to themselves (Roesch-Marsh, 2014a, 2018). 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" introduced. This criteria will be retained with the addition of "unless the child is kept in secure accommodation" when that particular element of the Children Care and Justice (Scotland) Act commences. This may account for a large number of the admissions into that environment, with Gibson (2020, 2021, 2022) and Whitelaw and Gibson (2023) highlighting the significant prevalence of self-harm and risk to self amongst female residents of secure care. This seems to chime with the views of Roesch-Marsh (2014b) who has questioned whether paternalism has played a role in the decision-making processes involved. Similarly, Hodgson (2022) notes the impact of societal and cultural attitudes towards girls and young women, with welfarism traditionally influencing responses to this cohort coming into conflict with the law or encountering risk. As this author goes on to argue, such attitudes continue to influence penal practice across the Western world, with carceral and justice responses often being employed to respond to girls and young women who have caused harm. It is within this backdrop that Scotland's Independent Care Review called for the creation of residential provision that provides therapeutic support to girls who are survivors of sexual abuse and exploitation.

3.1 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 peers (Hancock, 2025; Hodgson, 2022; Sharpe, 2015). Rather, it should be acknowledged that being a girl or

a young woman brings with it additional structural inequalities that have lifelong implications (Hodgson, 2022; Warwick-Booth & Cross, 2018).

The case for gender specific approaches to justice have been made within a recent briefing from the Centre for Justice Innovation in England, outlining the particular circumstances of girls and young women who come into conflict with the law, and the need to bear this in mind when designing services. Whilst similar criminogenic risk factors apply to both boys and girls such as anti-social attitudes, pro-criminal families and associates, lack of parental supervision, and unstructured leisure time (Galardi & Settersten Jr, 2018), 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 et al., 2017; Hodgson, 2022), with offending behaviour being described in terms of 'masculine' traits (Deuchar et al., 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; Goodfellow, 2024b; Staines et al., 2023), 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, with admission criteria that often leave the female child without support, and not meeting the 'typical' profile of those for whom the service is designed due to inherent assumptions about gender (Sharpe, 2024). 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 et al., 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 (Hancock, 2025). Girls and young women often benefit from 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; at times affiliating themselves, albeit in very small numbers, with gang culture (Jump & Horan, 2024).

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, 2019, 2024a; Hancock, 2025; Roberts & Watson, 2017). Girls often rely on

relationships to work through distress, 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). 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). Relationships too may be the predominant factor in supporting them to achieve a period of desistance (Abrams & Terry, 2021).

Existing literature suggests that 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). Furthermore, Sharpe (2024) points to the increased likelihood of school exclusion amongst care-experienced girls compared to peers who did not have contact with social work or similar services. This increased level of school exclusion hinders opportunities to attain academic qualifications and secure social inclusion, which in turn may contribute to a pathway into conflict with the law. 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 et al., 2018).

In summary, the lives of girls and young women who come into conflict with the law are often replete with multiple adversities and oppression, requiring a holistic response from those practitioners and organisations responsible for attending to their welfare. (Ellis, 2018; Henriksen, 2015; Pasko, 2021).

3.2 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 et al., 2006; D. Jump & R. Horan, 2024), 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 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 (Arnull & Eagle, 2009); fractured inter-familial relationships have also been found to play a role in acts of violence (Batchelor, 2021), whilst D. Jump and R. Horan (2024) argue that violence by girls and young women reflects the lack of respect and care provided by families and community.

Although exposure to – and fear of – violence is 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 (Khan, 2013, 2021; Khan et al., 2021).

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; Jump & Horan, 2024). 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 (Jump & Horan, 2024; 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. Girls' motivation to join gangs is often to achieve a much sought-after emotional connection and ultimately to feel a sense of belonging (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 can be 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 et al., 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 (Trevithick, 2003) 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

3.3 Harmful sexual behaviour by girls and young women

Whilst instances of young women displaying sexual behaviour that is harmful to others are relatively rare (Balfe et al., 2019), Yates et al. (2024) highlight the sizeable proportion of sibling sexual abuse attributed to girls. In both instances 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 term used to refer to electronic communications including sexual content such as pictures and text messages, sent using mobile phones or other electronic devices. 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.

Gender differences exist in the strategies and mechanisms employed to cope with anxiety and distress. There has traditionally been the view that whilst boys may act out frustrations and problems via overt physical aggression and self-serving rationalisation, girls may internalise problems and display negative emotional behaviours such as self-blame, self-harm, risky sexual behaviour and low mood (Tamm et al., 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 being relevant (Galardi & Settersten Jr, 2018; Sharpe, 2024). 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 (Jump & Horan, 2024; Warwick-Booth L & Cross R, 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 number of professionals required in face-to-face contact.

3.4 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:

Consider wider spectrum of child protection and similar approaches
Whilst this should be the case for all children and young people, it is particularly important to consider the need for protective mechanisms such as child protection or adult support and protection for those girls and young women who are experiencing significant levels of risk.

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. Recent research has highlighted the steps that commissioning bodies should consider when designing services.

Deliver an evidenced based therapeutic model
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 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 developing more self-confidence in putting these skills into practice. Practitioners should not expect girls and young women to move away from episodes of harm 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 where 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, and thus their writing makes valuable reading.

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 justice systems (Burman et al., 2015; Goodfellow, 2018). Often these issues are undiagnosed and young women are unable to access the appropriate services (D. Jump & R. Horan, 2024).

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 L & Cross R, 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. Staff who have received additional training on the particular needs of this cohort may be better placed to meet this challenge.

4. Children from minoritised ethnic backgrounds

Whilst the proportion of people across the United Kingdom from minoritised ethnic groups doubled from 2001 to 2011, and then a further increase of 50% between 2011 and 2022, data shows that those who identify as such account for just 13% of the overall population. Amongst this cohort the vast majority have heritage stemming from Asian (primarily sub-continental Asia), with smaller figures from China. Those who are White (incorporating White Scottish and White British) account for 87% of Scotland's population. African, Caribbean or Black groups made up around 1.5% of the population of Scotland.

Across the UK, people from racialised communities have faced significant discrimination, disadvantage and prejudice, often resulting in direct and indirect adversity to children. These include health inequalities (Chouhan & Nazroo, 2020), employment and income inequality (Weekes-Bernard, 2017) and bullying (Ditch the Label, 2018). Children from minority ethnic backgrounds also encounter greater levels of school exclusion (Sharpe, 2024) and have a higher rate of mental ill-health. The 'hostile environment' instigated and maintained by the UK government has been shown to lead to poor mental health for those from racialised groups (Jeffery et al., 2024). This inequality can even affect children in the womb, with

Jardine et al. (2021) reporting that children from racialised communities were significantly more likely to be of low birthweight and experience poorer health outcomes for the child and mother.

This adversity and discrimination have a significant impact on outcomes. For example, longitudinal analysis of more than 2,100 children's experiences in the UK from the Millennium Cohort Survey found that even indirect discrimination (such as maternal experiences of racism) negatively affected children's physical, socioemotional and cognitive development at age five, compared to a comparable group of minoritised children whose families had not experienced discrimination (Jardine et al., 2021; Kelly et al., 2013).

Whilst Guan et al. (2024) suggests that children from minoritised groups amongst the broader population face comparable rates of mental ill-health to their White peers, the work of Wainwright et al. (2024) and Robertson and Wainwright (2020) points to the increased rate of mental health problems amongst minoritised children and young adults in the justice systems.

Thus, it becomes clear how children and young people who experience prejudice and discrimination could conceivably come into contact with the justice system as a consequence of societal and environmental factors. In this recent CYCJ webinar John Wainright expands on this, charting the various factors that contribute to the criminalisation of children from minoritised groups. However, inequality and discrimination also negatively affect children's contact with, and experience of, the justice system. Shankley and Williams (2020) observe that people from minoritised ethnic groups face multiple challenges at various stages of the criminal justice system including stop and search, caution, charge, custody and other elements of the policing and prosecutorial practice. Wainwright et al. (2024) highlights myriad consequences of this disproportionate level of justice system contact, arguing that people from Black, Asian and other minoritised ethnic groups experience punitive and damaging responses from the justice system.

Assessment of risk is a further area where minoritised groups are at a disadvantage. Ugwudike (2019) argues that the technocratic approach that is often taken in the process of criminal justice risk assessment brings with it inherent biases that lead to inaccurate, heightened levels of risk within court reports and other justice mechanisms. As a consequence this cohort can receive disproportionate disposals and may contribute to the more punitive response by police and judiciary observed through data.

Children and young people from minoritised groups may also be victims of crime as a consequence of their racial or ethnic background. The racially motivated murder of Stephen Lawrence in 1993, and the subsequent inquiry's conclusion that the Metropolitan Police were guilty of 'institutional racism' (MacPherson, 1999), highlights how children and young people can be victims of crime because of their minoritised background, as well as be failed by the system because of that same background. More recently the Coalition for Racial Equality and Rights have published data that shows the disproportionate policing of children from minoritised groups including higher rates of stop and search, of strip searches, of police detention and of imprisonment in Scotland. Data produced also shows that the success that has been achieved in reducing the level of contact between police and justice services, and children and young people has not been realised amongst minoritised ethnic groups to the same extent as it has amongst white children and young people (Coalition for Racial Equality and Rights, 2025).

In England the Lammy Review (Lammy, 2017a) concluded that whilst episodes of offending behaviour amongst young people has declined the proportion of those from minoritised ethnic groups found within the justice system has risen significantly. The review found that the proportion of young people from racialised communities entering the system had increased over the decade 2006-2016, as had the proportion of those who reoffended. The percentage of young people in custody had also increased from 25% to 41% of the youth custodial population. Hunter et al. (2023) – again examining data from England and Wales – echo these findings, pointing to the grossly disproportionate involvement of children from minoritised ethnic groups in all areas of the justice system. They add that this is particularly acute for those children from minoritised groups who also have experience of the care system.

Across the UK, people from minoritised ethnic groups have persistently faced significant discrimination, disadvantage and prejudice. This has included within the criminal justice system (Adams & McCarthy, 2020; Lammy, 2017b; Qasim, 2018). The 1999 Stephen Lawrence Inquiry found the Metropolitan Police to be guilty of 'institutional racism', whilst Sir Iain Livingstone – the former Chief Constable of Police Scotland – acknowledged that this was an issue amongst Scottish policing as recently as May 2023, with his successor Jo Farrell concurring some months later. In England, Black children and young people are more likely than their white peers to be stopped by police (Gwata et al., 2024; Wainwright & Larkins, 2019), although evidence of this has not been found in Scotland (Murray et al., 2021). 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 from minoritised ethnic groups to hold negative attitudes towards practitioners in the justice field (Gwata et al., 2024).

This context is particularly germane given the 'race riots' of the 2024 and 2025 summers, sparked following online misinformation and an atmosphere of racism, xenophobia and the return of far-right, populist violence. Whilst the prevalence of this in Scotland was less acute than elsewhere within the UK, there was – and continues to be – episodes of explicitly racist violence contributing to a hostile environment for children and young people from minoritised ethnic groups.

4.1 Islamophobia, antisemitism and racism

Practitioners seeking to support Muslim children, young people and families 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 characterises 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 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).

Jewish children and young people in the UK have been subjected to antisemitism for centuries. This can take various forms, ranging from direct acts and threats of violence, discrimination in schools or the workplace, or perpetuating racist tropes regarding the Jewish faith and the Israeli state. However, the definition of antisemitism is contested, with both the Stockholm Declaration and Jerusalem Declaration offering divergent perspectives on what constitutes this form of racism and bigotry. Regardless, antisemitism can have deleterious impacts upon children and young people and in recent years there has been a significant increase in the number of antisemitic incidents reported across the UK, with these spiking at times of increased conflict involving the Israeli state and following terrorist acts. To better understand this phenomenon and social work's role in responding to it, this webinar may prove helpful.

Collectively, these varied but similar circumstances may contribute to significantly higher than average rates of unemployment amongst most sections of minoritised ethnic groups, which - in turn - can lead to poverty, which subsequently leads to seeking to meet personal goals, ambitions and needs through criminal conduct. 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.

4.2 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 girls from minoritised ethnic groups 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 cannot 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). Indeed, practitioners should avoid assumptions that those of Asian heritage are Muslim, with people of myriad faiths – and no faiths – found amongst this cohort.

4.3 Religion

Scotland is growing more secular as time passes, with the proportion of residents identifying as having no religion rising to 51.1% at the last census, equating to 2.7 million people. The 2022 census found that those denominations and faiths that have traditionally been the most populous – Protestantism, Roman Catholicism and other forms of Christianity – have all declined in size since the time of the 2011 census. Only Islam has seen a rise in size with 2.2% of the population identifying as Muslim, equating to some 119,872 people. 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 within the 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). Such support is 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)

4.4 Immigration

Underpinning the issues of islamophobia and racism are attitudes towards foreign nationals, or at least *some* foreign nationals. McLean et al. (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.

Those who seek asylum in the UK face a further tranche of challenges including their inability to undertake paid work, to secure accommodation and gendered practice within agencies responding to their claim for asylum. These issues have been summarised within this recent report, which highlights the steps Scotland could take to make living environments less hostile for those seeking refuge here (Meer et al., 2020).

Given the backdrop of discrimination, racism and prejudice, practitioners supporting children from racially minoritised 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 children and young people from minoritised ethnic backgrounds - 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).

4.5 Supporting children and young people from minoritised ethnic 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 effect 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 diverse ethnic 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:

- **Support connection to culture.** One way of supporting those from minoritised ethnic 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 families of racially minoritised children and young people 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) suggest enlisting the assistance of religious leaders, for example. Increasing the number of Black, Asian or other minoritised ethnic groups 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 individuals from minoritised ethnic groups should adopt different approaches to providing support than when doing so with other groups. Doing so recognises that achieving equity sometimes requires differing approaches (Goodman & Knight, 2016).

5. Children and young people of Roma heritage

Roma identity is not necessarily related to nationality; Roma people reside across various countries in Eastern Europe, but predominately live in, or originate from, 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), as well as 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 people, 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, and the Roma Support Group have a range of resources that are of benefit to Romani people and to practitioners seeking to understand this culture better.

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. Booth et al. (2024) argues that police and social work perception of Gypsy and Travelling communities hinder their ability to provide the best care possible, whilst the Lammy Report found that these populations experienced multiple welfare and rights issues, yet limited data and research was available to examine this in greater detail. Hunter et al. (2023) and Greenfields et al. (2015) make similar points, calling for improved community engagement from police, and additional support within education, whilst highlighting the compounded challenges faced by those Roma children who have experience of the care system in England and Wales. In Scotland, Romani are said to be one of several overlooked populations (Batchelor et al., 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 et al. (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.

5.1 Supporting children and young people of Roma heritage

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 people. 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; as 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 since the UK's departure from the European Union 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. At UK level, organisations such as Roma Support Group also offer additional resources that can support practitioners to better understand the impact of culture upon this community and deliver culturally sensitive support. Educational engagement in particular should be encouraged, with guidance produced on how to create positive environments for Romani children.

6. Supporting LGBT+ children and young people

The terminology LGBT+ will be used throughout this chapter. 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 and after discussion with children and young people from the LGBT+ community. Stonewall Scotland have provided a glossary of terms, which may assist practitioners in deepening their understanding of the distinct, but often overlapping, fluid and changing identities.

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; Watson et al., 2024; Woods, 2014), and they are often ignored due to people's inability to fit them into hegemonic, heteronormative customs (Mallon & Perez, 2020). While some argue that this lack of literature reflects the 'hidden nature' of this population (Benoit et al., 2012) the evidence gap is clear and has been highlighted several times (Fernandes et al., 2026) Indeed, in 2023, the Scottish Government specifically identified the lack of equality evidence in justice as a national priority.

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; Watson et al., 2024). The risk of disclosure may be heightened for young people in justice settings, where they may fear further bullying, isolation or violence from peers in secure settings where privacy is limited. Concerns around misgendering or lack of understanding from professionals may also lead to young people not disclosing their identity.

Of course, the lives of LGBTQ+ youth 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 identities and experiences. To return to our earlier conceptualisation of intersectionality, it is worth reiterating it here in practice. Indeed, 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 the sole or determining factor, but rather, considered carefully alongside a range of other social, personal and structural influences.

More recently, tensions surrounding LGBT+ rights have made their way back into the public sphere. In particular, trans and non-binary rights have been at the forefront of discussions in the UK. For example, the Scottish Parliament passed the Gender Recognition Reform (Scotland) Bill, which would have lowered the age to 16 that someone could apply for the legal recognition of their gender to be changed. However, the UK government invoked

Section 35, effectively blocking this. Further, the more recent Supreme Court ruling of the terms “man” and “woman” as per the Equality Act 2010, was ruled to be about matters of biological sex, not gender identity. This makes it harder for trans and non-binary people to be legally recognised in line with their gender identity. These changes have a significant impact on children and young people who may be questioning whether to disclose their identity, or indeed how best to access the services that they require. Public debates and shifting attitudes can severely impact young people’s sense of marginalisation and anxiety in a range of settings, including but not limited to justice settings. Even where legal protections are in place, public opinion can affect implementation and promote misunderstanding among professionals.

6.1 Prejudice, disadvantage and adversity

In spite of great progress over the past 40 years in the area of legal rights for LGBT+ people in Scotland, there remain significant social, economical and personal challenges for LGBT+ young people.

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 been at the receiving end of discriminatory abuse in the previous 12 months. These incidents are rarely reported to Police Scotland (Bridger et al., 2017), with close to 80% of trans children and young people stating that they would not report crimes committed against them (Hord & Medcalf, 2020).

In education, 46% of LGBT+ children report that their experience of school is ‘bad’, and despite reported progress, anti-LGBT+ bullying and language continue to be an issue. This figure rises to 96% among trans young people. Stonewall Scotland’s (2017) report also suggests that teachers and school staff struggle to or altogether do not respond to homophobic bullying, leaving nearly half of LGBT+ children in school feeling as though there is nobody to talk to about being LGBT+.

LGBT+ students’ experiences of university life also include accounts of discrimination (both direct and indirect), multiple marginalisations and a prevailing sense of ‘superficial’ support offered to them from universities (Marzetti, 2018).

There is also a large body of literature that examines the relationship between identity and economic outcomes, broadly highlighting that gay men are less likely to secure employment than their heterosexual counterparts (Matthews & Besemer, 2015), and that bisexual women face earning penalties of 5% compared with heterosexual women. In terms of job satisfaction, gay men and lesbian women experienced 15% and 12%, respectively, lower job satisfaction than their heterosexual counterparts (Drydakis, 2024).

Further, LGBT+ young people experience a high risk of homelessness, citing a combination of familial abuse, violence and rejection as causes of home life breaking down (Gibson, 2018; Matthews et al., 2019). Barriers to employment - perhaps caused through difficulties at

school, or indeed earning penalties highlighted above - can lead to reduced income, which in turn leads to LGBT+ people residing in areas of increased hostility and deprivation (Matthews & Poyner, 2019). There is also a substantial amount of work, highlighting that substance abuse often features within the lives of LGBT+ young people, particularly when experiencing periods of identity confusion and formation (Emslie et al., 2017), with Pienaar et al. (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 et al. (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). Access to gender-affirming healthcare resources are also a prohibitive barrier to children and young people from the Transgender community.

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.

6.2 Pathways into conflict with the law

Limited research has been undertaken into the LGBT+ population's experience of being in conflict with the law (Hord & Medcalf, 2020; 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) and Watson et al. (2024) each 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, and then conflict with the law occurs, as 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 per se, 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 et al., 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 and non-binary young 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 or non-binary young person may face additional challenges were they to be sentenced to a period of detention.

6.3 Supporting LBGT+ children and young people

Given the lack of research undertaken in this field, it is difficult to provide guidance that is empirically established, however a recent CYCJ webinar has highlighted a range of steps that can be taken to deliver LGBTQ+ informed care within the youth justice system. Summarising the limited research provided, the following comments suggest a range of considerations that practitioners and service leaders should take in meeting the needs of LGBT+ children and young people.

- **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; Watson et al., 2024). 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 and language 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. Places 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, whilst practitioners should ensure that they use correct names when engaging with children and young people (Mallon & Perez, 2020).

- **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 Institutions and prisons to ensure privacy and safety, whilst anti-bullying policies and strategies should be implemented within all residential and educational settings.

- **Respond to medical, hygiene, and personal care needs**

Children and young people's needs should be met in all instances, including the provision of appropriate medical treatment, hygiene, and personal care support. These issues may otherwise cause significant distress to the child and remove their sense of dignity and self-worth. Whilst there is no definitive list of what this may entail practitioners should consider the availability of appropriate sanitary products, washroom facilities, medical advice and treatment in addition to clothing.

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