



CONSULTATION RESPONSE

Female Voice in Violence Partnership

Gang Injunctions – Equality Impact Assessment

ROTA, WRC and the FVV Partnership

ROTA is a social policy think-tank focusing on issues that affect Black, Asian and minority ethnic (BAME) communities. ROTA aims to increase the capacity of BAME organisations and strengthen the voice of BAME communities through increased civic engagement and participation in society. ROTA is a membership organisation, a registered charity and a company limited by guarantee set up in 1997 to take over from GLARE (Greater London Action on Race Equality) originally set up in 1984. ROTA is the host for MiNet: the London focused BAME network, which joined ROTA in 2002 to strengthen the voice for London's BAME voluntary and community sector (VCS) in the development of regional policy. ROTA provides policy infrastructure support, voice and representation to BAME and equality organisations, and influences social policy at regional and national level by providing voice and representation, Carrying out and publishing in-depth research, holding regular networking and policy events, producing free and accessible publications, working in partnership and providing policy training.

WRC is a charity which supports women's organisations to be more effective and sustainable. They provide training, information, resources and one-to-one support on a range of organisational development issues. WRC also lobby decision makers on behalf of the women's not-for-profit sector for improved representation and funding. WRC's members work in a wide range of fields including violence against women, employment, education, rights and equality, the criminal justice system and the environment. They deliver services to and campaign on behalf of some of the most marginalised communities of women. There are over ten thousand people working or volunteering for WRC's members, who support almost half a million individuals each year.

Since March 2008 **ROTA** received funding from Big Lottery Fund to develop a partnership with the **WRC** to assess the impact of gangs and serious youth violence on women and girls in general, BAME females in particular, and the third sector organisations in place to support them. **ROTA** is also funded by Department for Communities and Local Government to assess national and regional policy development in response to these issues, and build an evidence base in Liverpool,

Manchester and Birmingham. This research has been developed from ROTA's previous research into gangs and serious youth violence, *Building Bridges*¹, and its wider in-house expertise on serious youth violence and criminal justice policy.

Introduction and Methodology for this Response

This response to the Equality Impact Assessment consultation for the Gang's Injunction Proposal is submitted by **Race on the Agenda's** (ROTA) and the **Women's Resource Centres** (WRC) **Female Voice in Violence** (FVV) Partnership. Given the focus of the partnership, and the organisations respectively, this response predominantly considers the potential impact of the injunctions on Black Asian and Minority Ethnic (BAME) women and girls. It also considers its significance for BAME young people, young people in general, women and girls in general, BAME individuals/communities in general, and the third sector organisations in place to support these groups. This submission takes evidence from the FVV Partnership research, a Call for Evidence that was circulated to the Partnership's stakeholders, as well as ROTA's Building Bridges Project and wider in-house expertise of Serious Youth Violence and Criminal Justice policy, as well as broader policy concerns regarding education, health and housing.

¹ *Building Bridges* and *Building Bridges and Beyond* (2008) <http://www.rota.org.uk/pages/BBP.aspx>

General Comments

- The FVV Partnership acknowledges the need for central government to respond to the threat of gang violence and the damage that it causes. Therefore, it welcomes it taking measures at this level to investigate alternative means of addressing gang violence asides from increased custodial sentences.
- The FVV Partnership also appreciates the frustration of many practitioners, community members and wider stakeholders at the difficulty to address certain forms of gang violence, or take preventative measures, due to a lack of evidence and/or witness statements.
- We also recognise a need, on occasion, for local authorities and their partners to intervene and dilute high risk situations, often using mediation and other conflict resolution measures.
- However, given evidence collected by the partnership's call for evidence, the FVV London fieldwork, and ROTA's wider research on serious youth violence, there are a number of concerns with the potential impact of the proposed injunction; especially with regards to BAME groups, women and young people.
- There are also general concerns regarding the human rights implications of this proposal, especially for the equalities groups outlined above.
- We are not convinced that this injunction does not have the potential to increase risk to the above mentioned equalities groups.
- Given the limited capacity and resources of organisations and statutory services to meet the needs of young people and their families who are affected by gang violence, the injunction have the potential to place them at greater risks.
- Given the often chaotic fashion in which gangs in the UK operate, the potential that those on injunction would breach is significant, and this could lead to an increase in prison statistics, for individuals without a criminal conviction.
- Even though breach of an injunction does not lead to a criminal conviction, the impact of this breach could be just as damaging if those in breach receive a custodial sentence.
- Given gaps in police intelligence around gang violence, there is a risk that some groups will be more likely to have injunctions placed upon them, as that is where intelligence currently lies.
- The FVV Partnership calls for wider support for preventative support, as well as increased capacity to manage risk for statutory services and third sector providers, as well as improved intelligence, before injunction could be considered.
- We would also call upon the EHRC to approve this method on Human Rights grounds before the Home Office proceeds with it.

Specific Concerns

Women and Girls

There are a number of potential risks facing women and girls who are affected by gang violence, if injunctions were to be imposed on them or those that they were associated with.

- Given limited intelligence on female involvement in gangs, they would be less likely than men to be placed on an injunction. However, this means that they may be used by those on injunctions to carry weapons or other illegal items on behalf of those on injunction. Evidence from FVV has indicated that girls are sometimes recruited, from boroughs that are not 'gang-affected' to the same extent as others, to hide weapons and drugs. Restrictions placed on those on injunctions may not include travel into these other boroughs, given the limited intelligence on the females living there. As a result this could increase the risk of coercion being used on females and risks to their safety should they not co-operate. Furthermore, use of females in this way means that while violence may be stifled in the short term, this displacement cannot be sustained and the violence will not be addressed using this method.
- For women who are directly involved in gang offending, should they be placed on an injunction, there is severely limited service provision available to support the 'required engagement in positive activities. Evidence from FVV, as well as wider submissions made to ROTA by the women's sector in preparation for this response, indicates that gender-specific service provision is required, if an intervention will meet the needs of gang-affected women and take into consideration their safety.
- The use of sexual violence, exploitation and kidnap on women and girls who are gang affected is not addressed with current central government policy on gang violence. Likewise, intelligence on the rate at which it is used is very poor. Given such gaps, the use of injunctions fails to address the risk of these forms of violence being used against gang-affected women and girls. Furthermore, such gaps in intelligence and insufficient service provision in this area could allow such violence to go undetected compared to other forms being monitored for under a gang's injunction. At present, the proposal cannot demonstrate how the use of injunction will not increase the risk of sexual violence being used during gang conflict, given low detection rates, and therefore runs the risk of replacing one form of violence with another.
- Given the limited capacity in the third and statutory sectors to meet the needs of gang-affected females, encouraging them to come forward with evidence or intelligence to make a case for an injunction, could increase the risk that they face. Until policymakers have developed stringent procedures by which women and girls who are gang-affected can be protected when coming forward, they should not be encouraged to do so. The fact that this proposal implies that female relatives may come forward as injunctions are not criminal offences is highly concerning. Even though an injunction cannot

lead to a criminal conviction, testifying against a gang member opens up intelligence on that gang and its wider networks. Compliance in such intelligence gathering could place female relatives and other women and risk, unless specific measures to protect such women are developed.

- Motivations for women to become involved in crime, and to remain involved in crime, are different to that of men. The same applies to women who are involved in gangs, who have heightened risks of victimisation and face more complex forms of violence, coercion and exploitation, cannot be removed from gang activity using the same approach applied to males. The current injunction fails to take this into consideration.

BAME Communities

Media coverage of gang violence², political statements³, police intelligence⁴ and homicide figures, indicate disproportionate involvement of BAME groups in gang offending. As such, any activity to address gang violence has the potential to disproportionality affect BAME communities. The current injunction fails to acknowledge this, or the potential impact this may have on community confidence, unity of relations with criminal justice agencies.

- Given that the use of injunctions will be reliant on intelligence with the police service and hearsay, amongst other forms of evidence including testimony, there is a risk that bias in intelligence could be reflected in a bias in injunction use. Of the gang members identified across the four Tackling Gangs Action Programme areas in the Home Office's Tackling Gangs Action Plan report 75% were of Black Caribbean background. The fact that this statistic was drawn, in the main, from police data implies that such disproportionality could also exist for those placed upon gang injunctions. Other evidence indicates that gang membership is more dictated by area than ethnicity in some localities, especially London boroughs, with young people not seeing gang involvement as being a 'race issue'⁵. If due consideration is not given for which intelligence will have dominance during court proceeding, there will remain the potential for unequal outcomes for BAME individuals.
- The injunction states that while breach of a civil order is not a criminal offence, those in breach of gang injunctions could face up to two years custodial sentence. Given wider evidence that some BAME groups are more likely to receive custodial sentences for offences that others do not⁶, or longer sentences, the injunction has the potential to imprison an increasing number of BAME individuals, without further guidance regarding sentencing and breaches.

² Sveinsson, K. (2008), A Tale of Two Englands – 'Race' and Violent Crime in the Press, Runnymede Trust

³ Blair, T. (2007), Callaghan Memorial Lecture, <http://www.number-10.gov.uk/output/Page11472.asp>

⁴ Home Office Tackling Gangs Action Programme (2008) Tackling Gangs: A Practical Guide for Local Authorities, CDRPS and Other Local Partners

⁵ ROTA (2008) *Building Bridges and Building Bridges and Beyond* (2008)
<http://www.rota.org.uk/pages/BBP.aspx>

⁶ Race for Justice (2008), 'Less Equal Than Others', <http://www.raceforjustice.net/>

- Relations between BAME communities and criminal justice agencies have been historically problematic. Trust of criminal justice agencies in a gang context is also highly contentious. Given that the injunction proposals actively encourage communities to give evidence there needs to be support in place for brokerage at a grass roots level. Without grass-roots compliance with injunctions, BAME communities could become increasingly isolated with other blaming them for the existence of gang culture within the local area.
- Some BAME gang members would benefit from culturally specific services, or those led by people within their communities; others opt out of such provision. Unless the choice is offered, some BAME individuals may be forced to attend generic services which do not meet their needs, increasing their likelihood of breach.
- Given the involvement of Refugee and Asylum Seeker communities in gang activity, the injunction makes no reference to the impact that such measures would have on gang members from such backgrounds or their families. In areas where Refugee or Asylum Seeker families are blamed for increasing levels of crime, there is a risk that they could have testimonies levelled against them that are coloured by such attitudes. Furthermore, there needs to be clarification in the proposal as to whether breach of an injunction by individuals from these groups could lead to deportation.
- Services in place to support Refugees and Asylum seekers are overstretched and under-funded. However, they may be often well placed to support an individual on an injunction, on occasion in partnership with another group. If the 'positive activities' aspect of the injunction fails to offer such specialist characteristics, the chances of engagement will be reduced and the likelihood of breach will increase.

BAME Women and Girls

In addition to the specialist needs and experiences of gang-affected women and girls, and BAME communities, highlighted in the above sections, those females from Black and Minority Ethnic backgrounds have various needs and experiences not captured by generic responses in policy or provision.

- The FVV partnership has identified a gap in BAME Violence Against Women Policy and services to support BAME women and girls who are affected by gang violence. As such, the risks faced by BAME gang-affected women are not sufficiently being addressed in policy or in practice. If women who were gang associated were required to take part in positive activities, that failed to take into consideration their background or their risks, they could be placed at increased danger.
- During interviews with BAME older women and BAME offenders, respondents informed the FVV partnership that they would be more likely to engage with services that took into consideration their cultural background.

Such information needs to be considered within the 'positive activities' proposal.

- Mothers of gang members stated that they would feel more cooperative if they were being supported by grassroots provision that was community-led, rather than state-led. As the proposal uses examples of mother's coming forward to give evidence, asides from potential risks they may face, it would be important for mothers to receive community-cased support during such processes. Mother's have also raised concerns about the impact of their son's gang association on their mental health. The proposal fails to consider the potential impact that testifying may have on the mental health of mothers, and what support services exist to minimise the impact of this.
- At present there is a significant lack of African-Caribbean women's organisations. This has been a concern for a number of years⁷, however, given disproportionality outlined above, it is crucial that in this context this is rectified. Without the relevant support services in place risks to BAME women associated with those on an injunction, and likelihood of breach for those on an injunction, have the potential to be significantly high.

Young People

As the injunction will only apply to those over 18, a risk is created for under 18's which is not considered in the proposal. As under 18's will not be at risk of an injunction they may be used by older gang members who do face that risk. No provision is made in the proposal to manage this risk and it is one that cannot be ignored. Given that some young people may be under intense pressure to adhere to a request of an older, steps would need to be taken to ensure that this would not be an outcome of injunction use.

⁷ Davis and Cooke (2002), 'Why do Black Women Organise?', Policy Institute Studies, London

Concluding Remarks

In short the FVV Partnership would recommend that the Home Office assess the impact of the proposed injunctions on the equalities groups outlined, and make necessary adjustments, before proceeding. At present, there is too little specialist support available, glaring intelligence gaps, and significant risk situations that need to be addressed. Without this preparation injunctions could increase risk and harm in the long-term in order to gain a short term disruption. Wider engagement of the third sector in the supply of 'positive activities' and in risk management for wider family members and associates is necessary. We would also recommend that the EHRC engage directly with the injunction model to ensure no potential breach of Human Rights.

Given the importance of this document, the FVV Partnership would recommend that this consultation should have been open to a wider audience. We had to forward the information onto a number of key stakeholders who had not received the information, and had to appeal for an extension on a three and a half week turn-around on submissions. Given the time of year that the consultation was released (21st August) it has been difficult for a number of organisations to engage directly in a process which potentially could impact on their service users and the communities they serve.

The FVV Partnership would like to continue working with the Home Office and wider central government departments on the development of policy to tackle gang violence. For any questions on this response please contact Carlene Firmin on 020 7902 1134 or carlene@rota.org.uk

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