

Identifying and Recording Diversity Factors Practice Guide

What do we mean by diversity factors?

A diversity factor is something that makes an individual unique, and allows us to identify and recognise this when working with and supporting them.

Diversity factors take many forms, however there are nine Protected Characteristics, which we must consider in all our work with young people and their families, these are;

- Gender
- Age
- Race
- Religion and Belief
- Disability
- Pregnancy and Maternity
- Sexual identity
- Gender Reassignment
- Marriage and Civil Partnership

Why do we need to record diversity factors?

Bradford Council's Equality and Diversity Statement outlines the Council's commitment to ensuring that all services provided by or on behalf of the Council are appropriate, inclusive, accessible and fair; this means that in delivering a child focussed service, we must consider and account for all factors which make the young person, and their family, different to others. In doing this, we are able to ensure that we are doing all we can to make our service and support accessible for the young person by addressing any individual circumstances, and therefore promoting and encouraging their engagement.

The new HMIP inspection criteria state the importance of evidencing "meaningful exploration of any diversity factors relevant to the child" and that within case records and assessments, they "expect the case manager to go beyond simply listing any factors relevant to the individual child, and to analyse the impact on the child." Therefore, when identifying diversity factors within the AssetPlus assessment, we need to ensure that the impact of each diversity factor is carefully considered, alongside how YJS will work with the young person to provide support and intervention which is considering of and tailored to their diversity factors.

Many of the diversity factors we may need to record about a young person may be a very personal and sensitive feature of their identity and their circumstances. We need to ensure the information is recorded in a respectful and factual manner, and we may need to gain a young person's consent when recording specific diversity factors. The nine characteristics identified within this practice guide are protected by the Equality Act (2010) and must be considered when assessing, planning and delivering services and interventions to young

people, their families and anyone else we work with. Failure to do so, or treating someone unfairly in relation to one of these nine protected characteristics may result in legal action being taken under the Equality Act (2010). If you are uncertain about what you should record, or how to record it, please speak to your Advanced Practitioner or Team Leader for further clarification.

Examples of diversity factors (this is not an exhaustive list)

These examples refer to the nine Protected Characteristics, but are not an exhaustive list. The examples refer to the young person; however, it is important to remember that we also need to record diversity factors specifically for the parent/carer; the information provided can be used to complete both tasks. You may not need to make comment about *each* of these factors when completing the Assetplus diversity factors boxes, only those which are relevant to the young person you are discussing.

Gender

Gender refers to the characteristics of women, men, girls and boys, all of which are socially constructed. Gender interacts with but is different from sex, which refers to the different biological and physiological characteristics of females, males and intersex people. Within Child View, we are asked to identify and record a young person's gender rather than their sex. It is not always necessary to refer to this within the diversity factors, unless a young person's gender makes them different within the context of their current circumstances.

Within the bounds of gender, lies gender identity; this refers to a young person's deeply felt, internal and individual experience of gender, which may or may not correspond to their physiology or designated sex at birth. There are lots of terms that people use when talking about gender, and their gender identity, and this is a very young personal matter. There are many different gender identities, including male, female, transgender, gender neutral, non-binary, queer and none, but this list is not exhaustive; if you are not sure what to call a young person, the most respectful thing to do is ask them. HMIP will look for evidence of age-appropriate conversations with the young person, to establish how they view their gender identity, and for this to be accurately recorded in case records.

If a young person discloses their gender identity, it is important that we record this, with their consent, and that we address them using their pronouns. Pronouns are the words we use to refer to someone like, 'he', 'she' and 'they'. The phrase 'preferred pronouns' is no longer used, as there is no 'preference' to using them; they must be used when addressing that young person. You can't always know what someone's pronouns are by looking at them. Asking and correctly using someone's pronouns is one of the most basic ways to show your respect for their gender identity. When someone is referred to with the wrong pronouns, it can make them feel disrespected, invalidated, dismissed, alienated, or dysphoric (often all of the above.)

Where a young person is at risk of receiving a custodial sentence, we must ensure that appropriate conversations have taken place with the young person, and where appropriate their parent/carer, to explore the most appropriate type of establishment to be recommended to the Court and the Youth Custody Service based on their gender identity, bearing in mind that some establishments only accept young people of a specific sex; i.e. a HMP YOI will only accept male young people. Where this is relevant to the young person, HMIP will look for evidence of conversations of this nature with the young person and any other relevant people.

Age

The age of the young person may be significant when considering diversity factors. For example, when the young person becomes of a specific age, their rights and responsibilities may change, i.e. 10 – criminal responsibility, 16 – sexual consent, 17 – legally allowed to drive, 18 – legally an adult. This may make a difference to the way we work with young people, or the referrals we may need to make, especially around consent and safeguarding. We also need to consider how a young person's age in other contexts; for example, generational differences in parenting practice and values, understanding of 'current' processes or terminology which we may take for granted, but that parents/carers of an older generation may not be familiar with.

Maturity is a further consideration of age and diversity, which we need to explore when working with young people. Maturity related to the physical, intellectual, emotional and social development of a person, with the idea that a young person will be 'mature' between the ages of 18-24 years old. However, it is important to consider that two young people of the same age can present with differing levels of maturity. For example; a 15 year old male may be considered to be physically mature but emotionally immature, as a result of Adverse Childhood Experiences, whereas a 15 year old female may be described as physically immature, but emotionally and socially mature as a result of her own lived experiences.

We need to take into account the ways and timeframes in which young people mature and develop, and how this influences their behaviour, motivation to change and how we work with them. Similarly, maturity may be linked to their speech, language and communication needs, or other diagnosable traits and behaviours; a young person with an autism diagnosis may present with as being intellectually more or less mature than someone of the same age without the same diagnosis and behavioural concerns. Maturity is especially important to consider when a young person meets key thresholds for transition, such as being transferred to the Probation Service or in advance of their eighteenth birthday, when they are considered to become an adult.

Where a young person is at risk of receiving a custodial sentence, their age and maturity will be taken into consideration when making a recommendation of the establishment best suited to meeting their needs. A Secure Children's Home will typically accept young people aged 10-17, whereas a HMP YOI will accept male young people aged 15-18 (sometimes increasing to 21). Maturity is a key area of consideration with Pre Sentence Reports, for example; where a young person presents with intellectual and emotional maturity below the expected level for their age and circumstances, we may consider recommending a Secure Children's Home where levels of support and intervention may be higher and more suited to their needs.

Race

Refers to the protected characteristic of race. It refers to a group of people defined by their race, colour, and nationality (including citizenship), ethnic or national origins. Childview doesn't ask us to specifically record race, however ethnicity is one of the key data recordings we need to ensure is completed for each young person. Ethnicity denotes groups of people who share a common identity-based ancestry, language or culture. It is often based on religion, beliefs and customs, as well as a number of other cultural factors. Research highlights the under and over representation of young people of certain racial or ethnic backgrounds within the Criminal Justice System; we need to be considerate of this when exploring and promoting engagement with professional services. Within Child View, we are asked to record

the ethnicity of a young person, and that of their parent/carer; this is held within the summary tab.

Within the bounds of race and ethnicity, we also need to consider the young person's preferred language. Many of the people we work with may speak more than one language and, whilst they are able to speak English, this may not be their preferred language. We need to ensure that we are best supporting the young person, by providing interventions and support in a language they understand and are confident in using. Where this language is not one spoken by the case manager, we may need to explore using

Furthermore, HMIP will look for evidence of conversations with the young person, to establish how they identify their racial and ethnic category, alongside their preferred language, and for this to be accurately recorded in case records.

Religion and Beliefs

Religion refers to any religion, including a lack of religion. Whilst belief refers to any religious or philosophical belief, and includes a lack of belief. Generally, a belief should affect your life choices or the way you live for it to be included in the definition. It is important to know about a young person's religion and/or beliefs, including the impact of this on their day-to-day life and how this may impact their engagement with the Youth Justice Service, as we can then tailor the support we offer them and how we work with them. For example, people who have specific religious practices or beliefs may not be available at certain times of the day, week or months throughout the year, and so we will need to consider this when planning appointments with them. Similarly, their religion or beliefs may enable or prevent them from doing certain things, or may need additional consideration when we are planning interventions. HMIP will look for evidence of conversations with the young person, to establish how they identify their religion and beliefs, and for this to be accurately recorded in case records.

Disability

We need to consider visible and invisible (or non-visible) factors affecting the young persons' ability. This may relate to their physical and/or mental health and wellbeing, and factors related to this. HMIP inspection criteria define disability as a "physical or mental impairment which has a substantial and long-term adverse effect on a child's ability to carry out normal day-to-day activities." HMIP make specific reference to the 'substantial' and 'long term' impact of the impairments impacting the young person. Typically, there will be a formal diagnosis of the young person's specific condition, however where this is not the case and there is evidence of 'substantial' and 'long term' impacts of the young person's symptoms, it may be sufficient to record this as a disability. HMIP will look for evidence of conversations with the young person, and their parent/carer where appropriate, about the nature of any disability, and for this to be accurately recorded in case records.

Alongside the *nature* of the disability, we must also consider and record the *impact*, thinking about what difference this makes when completing the assessment and planning stages, and later during the delivery of services. Again, HMIP expect to see evidence of discussions around this, including how YJS can best support the young person's engagement with services and support.

Where a young person has an identified disability, we will need to consider how we can best support them and what adjustments need to be made during our work with them. For example, a young person who is a wheelchair user or who has a physical disability may not be able to

access multi-storey buildings without access to a lift and an emergency evacuation risk assessment, so we may consider only seeing them on the ground floor. Similarly, a young person with mental health needs, or learning difficulties or disabilities, may require a quiet room, free from interruptions and distractions, or may require to be in a familiar environment such as their own home; we would need to consider these requirements and preferences when planning our appointments and interventions.

Pregnancy and Maternity

Whilst it is not common for young people accessing YJS to be pregnant or a parent, it does not mean that we don't work with young people who are parents, or expectant parents. This Protected Characteristic relates specifically to people who are pregnant or accessing maternity services, however YJS work with expectant mothers and fathers equally, providing support and signposting to other relevant services, where appropriate.

If a young person working with YJS is a parent, or expectant parent, we should consider making a referral to the YJS Health workers to ensure they are accessing sufficient health support. We may also look to make a referral to the YJS Parenting Worker to provide them with support around becoming a parent; this may be especially beneficial for young people who are first time parents.

Sexual Identity

Sexual identity or sexual orientation is a way a young person chooses to describe the feelings they have for other people. Because these feelings are young personal and because everyone is different, there are a lot of different labels that are used to describe sexual orientation. You can't tell what someone's sexual orientation is by looking at them – the only real way to know this is if they tell you. As with Gender and Gender Identity, we need to be respectful when recording and discussing a young person's sexual orientation. HMIP will look for evidence of age-appropriate conversations with the young person to establish how they view their sexual identity. It is important to note, however, that we must also recognise that some people (young people or adults) may not want to, or feel able to, describe their sexual identity, or that they may be unsure about it; this must also be accurately recorded in case records.

For the most part, a young person's sexual identity or sexual orientation will not affect how we work with a young person. However, it may be that we can offer specific support or intervention to people, regarding their sexual orientation, or that we can signpost them to relevant agencies and services; for example, a youth club for LGBTQIA+ young people.

Gender Reassignment

Gender reassignment refers to the process whereby a young person is proposing to undergo, is undergoing or has undergone a process (or part of a process) the purpose of reassigning their sex by changing physiological or other attributes of sex. A young person choosing to undergo this process may refer to themselves as being transgender, however we should look to have conversations with them around their gender identity, so as not to cause offence and to ensure their young personal details are accurately recorded. HMIP will look for evidence of age-appropriate conversations with the young person to establish how they view their transgender status, linked to their gender identity.

Where a young person is at risk of receiving a custodial sentence, we must ensure that appropriate conversations have taken place with the young person, and where appropriate their parent/carer, to explore the most appropriate type of establishment to be recommended

to the Court and the Youth Custody Service based on their gender reassignment and gender identity, bearing in mind that some establishments only accept young people of a specific sex; i.e. a HMP YOI will only accept male young people. Where this is relevant to the young person, HMIP will look for evidence of conversations of this nature with the young person and any other relevant people.

Marriage and Civil Partnership

Whilst it is rare for young people accessing YJS to be married or in a civil partnership, it is not impossible. In the UK, young people can be married, with their parent/carer's permission, from the age of 16. Similarly, in certain cultures or religions, young people can be joined in a civil partnership or marriage from a younger age. Where this is the case, we need to consider how this may impact or influence their engagement with YJS; it is of note that our engagement with the young person should not change based on their marital status.

For example, a young person who is married or in a civil partnership, may choose to have their partner listed as their appropriate adult/parent/carer, if their partner is over the age of 18. This may be relevant when considering who attends a Referral Order panel meeting as the responsible adult, and the level of contact we then have with the young person's parent/carer. Moreover, if we are working with a young person who is married or in a civil partnership, we may need to consider if there are any safeguarding concerns in relation to their marital status and circumstances. In all events, we need to ensure that we are having appropriate conversations with the young person and, where appropriate their parent/carers and partner, regarding their marital status, and that these conversations are accurately recorded in case records.

Other areas of diversity to consider:

Care Status

The Children Act (1989) states that children and young people are 'looked-after' if they have been provided with accommodation under section 20 of the Children Act 1989 for at least 24 hours. Young people may have 'Looked After' status if they are subject to;

- Section 20 agreement; a voluntary care agreement where consent is given by the parent/carer, or where appropriate the young person, for them to be accommodated away from the family home.
- Interim or Full Care Order, whereby the Local Authority have, or are seeking, authority from the Court to take responsibility for the young person
- A period of Remand or a Custodial sentence, and accommodated in youth custody, in a Secure Children's Home or Young Offenders Institution, or if they are Remanded to Local Authority Accommodation (RLAA) even if they are then 'placed' at home with their parent/carer.

Where the young person is currently, or has previously been, a Looked After Child, we need to ensure this is evidenced within case recordings. Young people with a current or previous 'Looked After' status may be eligible for further support from Children's Social Care and other agencies, and so we should work with their Social Worker to ensure that they are receiving this. HMIP will look for evidence that we have had discussions with the young person, their social worker and, where appropriate their parent/carer,

We also need to establish whether Bradford YJS is the 'home' or 'host' Youth Offending Agency; if they are a Bradford child, i.e. their permanent or family address is within the Bradford locality, Bradford YJS is the 'home' agency. If the young person's permanent or family address is outside of the Bradford locality, but their temporary or care address is in Bradford, Bradford YJS is the 'host' agency. If the young person is on a Court Order, the responsible Youth Offending Agency is typically identified within the Court Order documentation. If you are uncertain about the home/host status, please speak to your Advanced Practitioner or Team Leader for further clarification.

Young Carer Responsibilities

A young carer is someone under 18 who helps look after someone in their family, or a friend, who is ill, disabled, has a mental health condition or misuses drugs or alcohol. Young carers are eligible for additional support from other services, and may have an existing network of professionals, whom we should seek to liaise with.

Where a young person has caring responsibilities, we need to consider how this may impact their day to day schedule, their availability and ability to engage with YJS interventions, and the impact of being a young carer on their own health and wellbeing.

Education, Training and Employment

Specifically relevant to the young person, this diversity factor related to their current education, training or employment (ETE) provision. In England, a young person can leave school on the last Friday in June if you'll be 16 by the end of the summer holidays. They must then do one of the following until they are 18: stay in full-time education, for example at a college, start an apprenticeship or traineeship, or spend 20 hours or more a week working or volunteering, while in part-time education or training. We need to record a young person's ETE placement within Child View and the Asset Plus assessment, but also within the diversity factors as we may need to consider how we plan appointments around their ETE commitments.

You may also find the diversity wheel helpful to think about what is important to your young person –

<https://proceduresonline.com/trixcms1/media/8032/diversity-wheeldocx.pdf>

Please see Appendix 1 to see where and how this information is recorded in Asset+.

Appendix 1

Core Record: Young person's Details

Details e.g. Diversity considerations, any difficulties with communication methods, interpreter/language details etc.

This is the diversity factor

1. **Billy has been diagnosed with Foetal Alcohol Syndrome (FAS)**, a condition which impacts on his ability to concentrate for extended periods of time and retain information. **I will work with the YOT Nurse and SALT to ensure that interventions are appropriately designed and delivered to promote Billy's understanding and engagement.**

This is what we will do to address this during our intervention.

2. Billy is a white British male. He states that he does not have any religious or spiritual beliefs. Billy's mother tells me that he was Christened as a child in the Church of England, but that they do not practice religion actively within the family.

3. Billy is an expectant father; his ex-girlfriend is pregnant with his child, who is due in December. Billy and his ex-girlfriend, Rachel, have agreed to keep a positive relationship for the sake of their child, and the pregnancy. Billy's mother remains in contact with Rachel's mother, and supports Rachel in attending pre-natal appointments. Billy would like to work with the YJS parenting worker to get some advice on being a first time parent; I have made a referral and am due to undertake an initial joint appointment once Billy's order has begun.

4. Billy has identified speech, language and communication needs; more specifically he has a stammer. Billy's stammer has had a negative impact on his self-esteem. Billy does not like talking in groups and/or to people he does not know. I will work with the YOT SALT to ensure that interventions are appropriately designed and developed to promote Billy's understanding and engagement. Billy and I have agreed that he will not begin group sessions until he feels confident enough to do so.

5. Billy is not currently in Education, Training or Employment, but has a motivation to earn his own money. I will work with Billy to explore what he would like to do and support him to help find employment or training opportunities.

Core Record: Parents/Carer's Details

Additional information: Note issues regarding contact, specific needs of parents etc

1. Billy's mother is currently employed part time; she typically works on a Monday, Wednesday and Thursday from 7am-1pm. She has advised that she will not be available to answer calls during this time, but text messages can be sent and she will check them on her break.

2. Billy's mother has two younger children and struggles to find additional childcare at short notice. She has asked that she is told about any meetings or appointments with at least one week's notice, so that she can find someone to look after the children if she needs to attend. We have agreed panel meeting dates will be sent with at least two weeks' notice.

3. Billy's mother previously had an alcohol addiction; she has had periods of desisting from using alcohol, but has relapsed at other times. Billy's mother struggles to engage when she is experiencing a relapse, and understands that when this happens, we may need to visit the home more often or to make referrals for additional support.

4. Billy's mother has no contact with his father, and is keen that her children do not have contact with him either. Billy's father is in prison and is due for release in 2025. We have agreed that I will not have contact with Billy's father without her consent, unless it is in relation to a safeguarding matter.