

BRIEFING:**Workshop Reflections on Ethnic Disparities and Cumulative Disadvantage in the Criminal Justice System****Summary**

This briefing summarises discussions from workshops with practitioners working in the Criminal Justice System (CJS) reflecting on evidence from the project [Cumulative Disadvantage in the Criminal Justice System](#) examining ethnic disparities in remand, plea decisions and imprisonment using data from the [Data First](#) data linking programme led by the [Ministry of Justice](#) (MoJ) and funded by [ADR UK](#). Workshop participants consistently identified systemic racism, racialised policing practices and the cumulative impact of early decision-making in the CJS as central drivers of these disparities. Discussions emphasised the role of remand pressure, poor-quality and underfunded legal aid, and limited access to diversion and community-based alternatives in shaping plea, remand and sentencing outcomes, alongside the heightened vulnerability of ethnic minority women and neurodivergent individuals. Participants also highlighted how early life experiences, adultification of ethnic minority children, and intersections with neurodiversity exacerbate ethnic disparities. The workshops concluded with recommendations focused on improving transparency and data, strengthening legal aid and probation, embedding trauma-informed and anti-racist practice, reforming diversion decision-making, expanding community-based justice approaches, and protecting judicial independence to address ethnic disparities across the criminal justice system.

Purpose and Context

This briefing summarises discussions from workshops with professionals working across the criminal justice system (CJS) as part of the event 'Ethnic Inequalities and Cumulative Disadvantage in the CJS' held online on the 7th of November 2025. The event hosted by [Action for Race Equality](#) and [CLINKS](#) brought together practitioners from statutory organisations including policing, prisons and probation and youth justice services, and non-statutory organisations working with justice system users, to discuss how ethnic disparities persist and accumulate across the justice system and co-create solutions to address them. Participants reflected on research findings from the project [Cumulative Disadvantage in the Criminal Justice System](#) (CJS) led by Dr Kitty Lymeropoulou examining ethnic disparities in remand, plea decisions and imprisonment using data from the [Ministry of Justice](#) (MoJ) [Data First](#) data linking programme funded by [ADR UK](#). The discussions emphasised how disadvantages accumulate across successive stages of the justice system and explored systemic, institutional and intersecting drivers of these outcomes.

Summary of Key Discussion Points**1. Systemic Racism and Cumulative Disadvantage**

A recurring theme across the workshop discussions was the role of **systemic racism** as the primary explanation for observed ethnic disparities in remand, plea and imprisonment. Participants consistently emphasised how structural inequalities, institutional practices and embedded racial bias shape decision-making at every stage of the justice process. This cumulative disadvantage is reinforced by unequal access to resources, poorer quality legal support, heightened surveillance of racialised communities, and institutional cultures that normalise differential treatment. Workshop participants stressed that disparities observed at court stages are strongly linked with earlier policing practices and broader social inequalities.

**2. Policing Practices, Discretion and Data Gaps
Language, Stereotyping and Evidential Bias**

Concerns were raised about the **language used by police officers in reports and case files submitted to courts**. Participants noted that descriptions often rely on racialised tropes and stereotypes, particularly in relation to Black defendants, which can influence judicial perceptions of risk, credibility and culpability. These narratives may frame behaviour as aggressive, evasive or suspicious in ways that disproportionately disadvantage ethnic minority defendants and shape downstream decisions on bail, remand and sentencing.

Policing Practices and Disproportionate Targeting

Participants emphasised that **policing practices such as stop and search**, particularly for drugs and weapons, disproportionately target racialised communities, especially black individuals. This heightened surveillance generates higher arrest rates, which then feed directly into remand and prosecution decisions. Drug-related offences were highlighted as particularly influential in creating disproportionality in remand decisions. Media representations of crime were identified as reinforcing racialised assumptions, especially portrayals of young black men and drug-related criminality, shaping police discretion, risk assessments and remand decisions.

Lack of Transparency and Inadequate Data

A major concern was the **lack of transparency and monitoring of police decisions**, particularly at early stages such as arrest, charging, release and decisions to detain individuals in police custody. Participants stressed that insufficient police data makes it difficult to determine how much of the ethnic disparity observed in courts originates from initial policing decisions. The absence of comprehensive, disaggregated data severely limits the ability to track outcomes by ethnicity, including understanding which cases are discontinued, dropped or result in acquittal following arrest or remand. This data gap is especially acute at the earliest stages of the CJS, preventing understanding of decision-making patterns and accountability.

BRIEFING:**Workshop Reflections on Ethnic Disparities and Cumulative Disadvantage in the Criminal Justice System****Summary of Key Discussion Points****3. Remand Decisions and the Impact of Low-Level Offences**

Participants discussed how **remand decisions are shaped by offence type**, with drug-related offences being a key driver of custodial remand. They also highlighted a significant lack of information on **low-level and summary offences**, which disproportionately affect ethnic minority women, particularly those facing adverse socio-economic circumstances. Examples raised included arrests and charges related to failure to send children to school, failure to pay TV licence fines, shoplifting, and theft of baby equipment. Participants noted that these cases are deeply entangled with poverty, systemic bias, language barriers and the absence of culturally appropriate support services.

4. Plea Decisions, Remand Pressure and Legal Representation**Drivers of Guilty Pleas**

Participants highlighted that many defendants plead guilty not because of culpability, but to **move through the system quickly**, alleviate the stress of prolonged uncertainty, and meet family or caring responsibilities. Being remanded in custody was described as a highly traumatic experience that exerts significant pressure on individuals to plead guilty, particularly when the alternative is continued detention.

Legal Aid and Quality of Representation

There was strong consensus that **poor-quality and underfunded legal aid services** disproportionately harm ethnic minority defendants and contribute to worse plea outcomes. Participants described fragmented and inconsistent support, frequent changes in legal representatives, and reliance on poorly trained advisors who may provide contradictory advice.

In many cases, defendants experience excessive pressure to plead guilty, often without adequate exploration of evidence or alternatives. Participants also identified a **self-reinforcing cycle of mistrust and disengagement**: ethnic minority defendants may distrust their lawyers due to previous negative experiences with CJS actors, while lawyers may disengage from clients they perceive as uncooperative. This dynamic was noted to be evident more broadly across other justice system interactions, contributing to reduced engagement and poorer outcomes for ethnic minority defendants.

Diversions Schemes

Diversions schemes operating in police custody were recognised as having significant potential to reduce criminalisation, particularly for individuals with mental health needs, substance misuse issues or other vulnerabilities. Examples such as Liaison & Diversion services were highlighted for their role in identifying needs early and connecting individuals to appropriate health and social care. However, participants expressed serious concerns about **police discretion** in determining eligibility for diversion. When decisions rest solely with police officers, there is a high risk of racial bias influencing who is diverted and who continues through the court system. This was identified as a mechanism through which disparities may be reproduced.

5. Intersectionality**Neurodiversity and Communication Barriers**

Participants highlighted the intersection of **neurodiversity and ethnicity** as a significant driver of adverse outcomes. A large proportion of young people in justice settings have speech, language and communication needs (SLCN), which are more likely to go undiagnosed and unsupported among ethnic minority individuals. Complex legal language used in police interviews, courtroom procedures and cross-examination can be difficult to understand. Lack of comprehension may be misinterpreted as evasiveness or non-cooperation, leading to harsher treatment and poorer outcomes. Interactions with police can also trigger sensory overload for neurodivergent individuals, resulting in distress, meltdowns or shutdowns that are frequently misread as aggression or defiance, increasing the risk of criminalisation.

Early Life Experiences and Adulthood

Another key intersectional theme concerned the **criminalisation of ethnic minority children** through early interactions with schools, social services and police. Participants highlighted the adulthood of ethnic minority children—particularly black children—perceived as older, less innocent and more culpable than their peers. This leads to harsher treatment, greater suspicion, increased use of stop and search, reduced safeguarding responses and a higher likelihood of entering the criminal justice system at a young age. These early experiences were seen as instrumental to later disparities observed in remand, plea and imprisonment.

6. Sentencing, Governance and Judicial Independence

Participants raised concerns about the Sentencing Bill, particularly provisions that undermine judicial independence by granting the executive, through the Lord Chancellor, veto powers over sentencing guidelines and mandating certain sentences. These measures were viewed as limiting judicial discretion and increasing the risk of politically driven sentencing outcomes, which could further exacerbate existing disparities.

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Participants proposed a wide-ranging set of recommendations aimed at addressing systemic and cumulative disadvantage:

Anti-Racist and Trauma-Informed Practice

- Implement **trauma-informed, anti-racist restorative approaches** to assessment at pre-sentencing and sentencing stages, building on models such as those used by [Lewisham Youth Justice Services](#).
- Extend these approaches to all defendants, not only children and young people.

Neurodiversity and Accessibility

- Accommodate the needs of neurodivergent individuals through reasonable adjustments, including the use of specialist intermediaries in court settings.
- Simplify legal language and provide visual aids to support understanding of court processes.

Remand and Bail

- Improve access to legal support, bail funds and community-based alternatives to remand.
- Ensure greater scrutiny of remand decisions through publication of data on length and reasons for remand, disaggregated by age, gender and ethnicity.

Legal Aid and Representation

- Reform the legal aid system through enhanced training and quality standards to improve consistency and effectiveness of representation.

Joined-Up Working and Training

- Strengthen cross-government and cross-service working, particularly between justice, education, health and children's services.
- Expand guidance and training for CJS actors—including judges, magistrates, probation officers and police—on how decisions interact across the justice journey and contribute to cumulative disadvantage.

Diversion and Community-Based Justice

- Introduce joint decision-making for diversion through multi-agency panels involving Youth Justice Services, education professionals and community representatives to mitigate bias.
- Pilot courts within trusted community hubs, such as women's centres and children's centres, to reduce barriers and normalise engagement with the justice system.
- Complement these with problem-solving and intensive supervision courts that divert individuals with complex needs away from short custodial sentences.

Probation Reform

- Reset probation practice and strengthen delivery standards, with particular attention to the cumulative disadvantage experienced by ethnic minority individuals and the impact of excessive workloads on service quality.

Judicial Independence

- Safeguard the independence of the judiciary as a core principle of fair and proportionate justice.

The briefing was prepared by Dr Kitty Lympelopoulou, Senior Research Fellow and ADR UK Fellow at the University of Plymouth. It draws on workshop discussions during an event organised as part of the ADR UK project [Cumulative Disadvantage in the Criminal Justice System](#) (ES/Z502418/1). This event was delivered in partnership with [Action for Race Equality](#) and [CLINKS](#) and supported by the [Economic and Social Research Council](#) as part of the [Festival of Social Science](#).

