



Ministry of  
**JUSTICE**

**Statistical bulletin on the public  
disorder of 6<sup>th</sup> to 9<sup>th</sup> August 2011 –  
October update**

Ministry of Justice  
Statistics bulletin

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Department for  
**Education**

**DWP**  
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## Introduction

This publication provides updated information on those brought before the courts for offences relating to the public disorder of 6<sup>th</sup> to 9<sup>th</sup> August 2011. Information on numbers brought before the courts, initial outcomes and sentencing is based on data available by midday on 12<sup>th</sup> October 2011; information used to analyse criminal histories, prison population and socio-economic factors is based on data available by midday on 28<sup>th</sup> September 2011. In reading this bulletin please bear in mind that:

- 1) the group of people brought before the courts is only a subset of all people who took part in the public disorder of 6<sup>th</sup> to 9<sup>th</sup> August 2011. It is therefore possible that there are differences between the people brought before the courts to date and all those who took part in the disorder.
- 2) some of the people brought before the courts will have their charges dropped or be acquitted.
- 3) there are new cases being brought before the courts for events relating to the disorder on a daily basis. It is possible that there may be differences in characteristics or age profiles of those brought before the courts later compared to those who have appeared so far.
- 4) This publication updates the previous analysis published on 15<sup>th</sup> September 2011 and includes new analysis on the wider socio-economic and demographic characteristics for those taking part in the disorder. However, these do not in anyway imply what caused the disorder.
- 5) When comparing sentences given for public disorder offences with sentences given for indictable offences in 2010 it is important to remember there was no widespread public disorder last year. Comparisons have been made with sentences for similar offence types in order to help set the sentences given in context.
- 6) Since the last update on the 15<sup>th</sup> September 2011, additional validation of all records received has been carried out, which has resulted in the removal of records that were not related to the public disorder.

Information on the background definitions and measurement can be found at the end of this document.

## **Executive Summary**

The public disorder began on 6<sup>th</sup> August 2011. On 7<sup>th</sup> and 8<sup>th</sup> August 2011 there were further outbreaks of disorder mainly in London. On 9<sup>th</sup> August the incidents were mainly outside of London.

This publication presents court outcome information on those who have appeared before the court by midday 12<sup>th</sup> October for offences relating to the disorder of 6<sup>th</sup> to 9<sup>th</sup> August. For the more detailed analysis of Criminal histories, prison population and socio-economic factors, the data covered those who have appeared before the court by midday 28<sup>th</sup> September. The police and courts agree whether an offence was related to the disorder and the courts then returned details of the case centrally to the Ministry of Justice statistics team.

It is important to note that none of the factors explored imply causality with the public disorder events, but provide a deeper background understanding of the characteristics of those brought before the courts. It is also the case that those brought before the courts may have different characteristics from those who took part and have yet to appear before the courts.

### **Cases by area**

Of the 1,984 people who had appeared before the courts by midday on 12<sup>th</sup> October 2011:

- London – 1,386 first hearings
- West Midlands – 174 first hearings
- Nottingham – 64 first hearings
- Greater Manchester – 200 first hearings
- Merseyside – 62 first hearings
- Other areas – 98 first hearings

### **Gender, Age and Ethnicity**

By midday on 12<sup>th</sup> October, 1,984 people had appeared before the courts for these offences. Of those brought before the courts 90 per cent were male and 10 per cent were female and the proportions are broadly similar across all areas. This compares with all first hearings for indictable offences in 2010 where 85 per cent were male and 15 per cent female.

Comparisons by age show that 26 per cent of those brought before the courts for offences relating to the public disorder were aged 10-17 (juveniles) and that a further 27 per cent were aged 18-20. Only five per cent of those appearing before the courts for the disorder were over 40 years old.

This is a different distribution compared to all those appearing before the courts for similar offences in 2010 when the proportion of juveniles was 16 per cent, the proportion of 18-20 year olds was 15 per cent and 15 per cent of offenders were over 40.

The details by area show different results with those appearing before the courts in London and West Midlands having fewer juveniles than those in other areas. The figures for each area were

- London – 24 per cent were juveniles and four per cent were over 40
- West Midlands – 22 per cent were juveniles and 11 per cent were over 40
- Nottingham – 39 per cent were juveniles none were aged over 40

- Greater Manchester – 28 per cent were juveniles and 10 per cent were over 40
- Merseyside – 42 per cent were juveniles and six per cent were over 40
- Other areas – 34 per cent were juveniles and three per cent were over 40

Comparisons by ethnicity (where ethnicity was recorded) show that 42 per cent of those brought before the courts were White, 46 per cent were from a Black or mixed Black background, 7 per cent were from an Asian or mixed Asian background, 5 per cent were other. The proportions vary significantly by area. However, caution is needed when analysing these figures as the comparisons with the local population have not been fully age adjusted.

In some areas the ethnicity breakdowns partially reflects the resident population in that area;

- Salford – of defendants brought before the court who lived in Salford, 94 per cent were White and six per cent were from a Black or mixed Black background; whereas the resident population, under the age of 40, comprised 88 per cent white and two per cent black or mixed Black backgrounds.

In other areas the proportions of those brought before the courts who were White was significantly lower and those who were from a Black or mixed Black background was significantly higher than the proportion in the resident population. For example;

- Haringey – of defendants brought before the court who live in Haringey, 34 per cent were White and 55 per cent were from a Black or mixed Black background; whereas, the resident population, under the age of 40, comprised 62 per cent were White and 17 per cent were from a Black or mixed Black background.
- Nottingham – of defendants brought before the court who lived in Nottingham, 32 per cent were White and 62 per cent were from a Black or mixed Black background; whereas, the resident population, under the age of 40, comprised 71 per cent were White and nine per cent were from a Black or mixed Black background.
- Birmingham – of defendants brought before the courts, 46 per cent were from a Black background, 33 per cent from a White background and 15 per cent from an Asian background. Whereas the resident population, aged under 40, comprised 58 per cent from White, 30 per cent from Asian and nine per cent from Black backgrounds.

In all but one area, the proportion of those brought before the courts who were Asian is lower than the proportion from Asian backgrounds in the resident population. The exception is Merseyside where the proportions are similar. However, when looking at ethnicity it is also important to consider other information on the socio-economic backgrounds, as there may be a relationship between ethnicity and socio-economic factors which varies across areas.

### **Socio-economic indicators**

By matching information on those involved in the public disorder with data from the Department for Work and Pensions (for adults) and the Department for Education (DfE) (for juveniles) we have been able to assess proxies for the socio-economic status of individuals who have been brought before the court up to midday on 28<sup>th</sup> September 2011. The initial analysis of matched cases shows that for individuals brought before the courts for the disorder:

- 35 per cent of adults were claiming an out of work benefit at the time of the disorder (compared to 12 per cent of the working age population in England in February 2011. 45 per cent of all offenders who were sentenced for an indictable offence in 2010 were claiming benefits)
- 42 per cent of young people who appeared before the courts for the disorder were in receipt of Free School Meals (FSM) compared to 16 per cent of all pupils in maintained secondary schools
- This pattern can also be seen in London, where 40 per cent of young people appearing before the courts were in receipt of FSM compared to 26 per cent of all London pupils in secondary schools, and the North West (50 per cent and 18 per cent respectively)
- Young people appearing before the courts came disproportionately from areas with high levels of deprivation as defined by the Income Deprivation Affecting Children Indices 2010. 64 per cent of 10-17 year olds for whom matched data were available lived in one of the 20 per cent most deprived areas whilst only three per cent lived in one of the 20 per cent least deprived areas

### **Education information**

Through matching data with DfE, we were able to analyse details of the educational background of 386 10-17 year olds. Of these

- 66 per cent of young people were classified as having some form of special educational need (SEN) (compared to 21 per cent of all pupils in maintained secondary schools)
- Over a third (36 per cent) of young people were identified as having at least one fixed period exclusion from school during 2009/10 (compared to 6 per cent of all Year 11 pupils)

Of the 364 10-17 year olds appearing before the courts for whom Key Stage 2 (KS2) attainment data were available, around half achieved the expected Level 4 in English and Maths assessments (52 per cent and 51 per cent respectively). In 2005/06<sup>1</sup> 79 per cent of all pupils achieved Level 4 or above in English at the end of KS2 whilst 75 per cent achieved Level 4 or above in Maths.

The fact that those young people appearing before the courts performed below average at KS2 can at least partly be explained by the high incidence of young people identified with SEN amongst this group: children with SEN are much less likely to reach the expected level at KS2. However, even restricting the comparison to those with no SEN identified, attainment remains lower among those young people appearing before the courts compared with the national average.

There is significant overlap between each of these indicators, and therefore these separate indicators should be viewed as a linked picture of the young people brought before the courts.

It is clear that compared to population averages, those brought before the courts were more likely to be in receipt of Free School meals or benefits, were more likely to

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<sup>1</sup> It is most appropriate to compare the KS2 performance of those 10-17 year olds appearing before the courts against the performance of all pupils completing KS2 in 2005/06, the median year in which the matched sample completed KS2

have had special educational needs and be absent from school, and more likely to have some form of criminal history. This pattern held across all areas looked at.

### **Progress through the criminal justice system**

The first stage of the court process is for those accused to have a first hearing at magistrates' courts. 1,984 people have appeared before the court by midday on 12<sup>th</sup> October 2011 for offences relating to the public disorder. Where the remand status is known, around 60 per cent of defendants were remanded in custody at some point. This compares with 10 per cent for all indictable offences in 2010.

The offences for which people were brought before the court were mainly for Burglary (45 per cent), violent disorder (26 per cent), theft (16 per cent), robbery (two per cent), criminal damage (two per cent). The remaining offences covered a wide range of offences, but no single offence within this group accounted for more than two per cent of the people brought before the court.

As of midday 12<sup>th</sup> October 2011, 551 (28 per cent) of the 1,984 people brought before the courts had been found guilty and sentenced for their part in the disorder. Of the 551 sentenced so far, 331 have been sentenced to immediate custody with an average custodial sentence length of 12.5 months. This compares to an average custodial sentence length of 3.7 months for those convicted at magistrates' courts, but sentenced at any court for similar offences in 2010.

The proportion of offenders sentenced who received an immediate custody sentence for offences related to the public disorder at magistrates' courts was 42 per cent. This compares with 12 per cent for offenders sentenced for similar offences in England and Wales in 2010. The average custodial sentence length for offences related to the public disorder at magistrates' courts was 5.7 months. This compares with 2.5 months for offenders sentenced for similar offences in England and Wales 2010. This difference is mainly down to the average custodial sentence lengths (ACSL) given for burglary, with offenders sentenced for the public disorder receiving 6.6 months, compared with 4.4 months for those sentenced in England and Wales in 2010, and theft and handling, which had 4.4 months compared to 2.0 months in 2010. Juveniles sentenced to immediate custody for burglary have an ACSL of 7.6 months and for adults it was 5.5 months – this includes one offender given two consecutive six month sentences.

At the Crown Court, 222 people have been sentenced of whom 192 (86 per cent) received immediate custodial sentences the average custodial sentence length was 17.4 months compared with 11.3 months in England and Wales in 2010 for cases which were sent for sentencing.

Of those who have either been sentenced to custody or were remanded to custody, at some point.

- Around five per cent (53 offenders) have served their sentence and been released
- It is estimated that 21 per cent had a change in their remand status through either dropping of charges, or decision to release on bail at a subsequent hearing. This will include instances where the defendant has been acquitted, or the case has been withdrawn or dismissed.

## Previous criminal history

By matching information on those involved in the public disorder with the Police National Computer we have been able to assess previous cautions and convictions of those who appeared before the courts for the disorder up to midday on 28<sup>th</sup> September 2011. Our initial analysis shows that:

- Overall 76 per cent of those who have appeared before the courts for the disorder had a previous caution or conviction
- 80 per cent of adults and 62 per cent of juveniles had a previous caution or conviction

In order to assess whether those who appeared before the courts were more likely to have previous convictions, these data are compared with data on the conviction histories of adults and juveniles. The comparison is restricted to males who make up 90 per cent of those brought before the courts for the disorder. This shows that

- 71 per cent of adult males who have been brought before the courts for the disorder had at least one previous conviction compared to 28 per cent of males aged 18-52 in the population as a whole who have at least one previous conviction
- 45 per cent of males aged 10-17 brought before the courts for the disorder had at least one previous conviction. This compares with two per cent of the 10-17 year old male population who have at least one previous conviction

Comparisons can also be made with previous criminal histories and number of people receiving their first conviction, caution, reprimand or warning. This shows that

- 24 per cent of those brought before the courts for their role in the disorder had no previous cautions or convictions. This compares with 23 per cent of those dealt with for indictable offences in 2010/11.
- 40 per cent of those brought before the courts had more than 5 previous offences. This compares with 50 per cent of those dealt with in 2010/11 for indictable offences.

In total, those brought before the courts have committed nearly 20,000 previous offences, at an average of 11 previous offences per individual (or 14 previous offences per offender who has at least one previous offence). This compares to an average of 19 previous offences for offenders who were sentenced for an indictable offence in 2010/11 (or 25 previous offences for offenders who had at least one previous offence).

26 per cent of those brought before the courts had been in prison at least once before (compared to 35 per cent of offenders who were sentenced for an indictable offence in 2010/11).

This suggests that while those taking part in the disorder were much more likely than the general population to have previous convictions, they are not quite as prolific as offenders sentenced for indictable offences in 2010/11.

## **Conclusion**

Overall, these analyses show that the individuals brought before the courts had a complex set of characteristics (age, previous criminal history, socio-economic background and education), with no one factor standing out.

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## Court proceedings [Tables 1.1 – 1.9]

If there is sufficient evidence against the defendant and none of the out of court disposals are appropriate, the police will formally charge the suspect. The law then requires the defendant to be brought before a magistrates' court as soon as possible. The defendant can be summoned to appear in court or remanded on bail or custody.

Key points (data as of midday 12<sup>th</sup> October):

- 1,984 suspects have had an initial hearing at magistrates' courts. The majority of these hearings were in London (70 per cent).
- Of these cases, 26 per cent (514) were aged 10-17 and 74 per cent (1,470) were adults.
- 90 per cent of defendants were male.
- 37 per cent of defendants were from a White ethnic background, 40 per cent were from a Black or mixed black backgrounds, six per cent Asian, four per cent were of another ethnic background and 13 per cent were not known or not recorded
- Average custodial sentence length for offences related to the public disorder was 12.5 months.

**Tables 1.1A and 1.1B: Defendants brought before the courts for offences relating to the public disorder between 6<sup>th</sup> and 9<sup>th</sup> August 2011, (data as of midday 12<sup>th</sup> October 2011)**

**Table 1.1a - Defendants awaiting final outcome**

Age group	Hearing not yet completed			Outcome of hearing not recorded	Total
	Remanded on unconditional bail	Remand on conditional bail	Remanded in custody		
10 to 17	31	184	97	1	313
18 to 20	26	134	224	0	384
21 to 24	20	99	181	3	303
25 to 30	18	68	106	1	193
31 to 34	3	22	42	1	68
35 to 39	1	16	23	0	40
40 plus	6	21	34	0	61
<b>Total</b>	<b>105</b>	<b>544</b>	<b>707</b>	<b>6</b>	<b>1,362</b>

**Table 1.1b: Final defendant outcome at court**

Age group	Convicted and sentenced			Not convicted Dismissed/ acquitted	Total final outcomes
	Sentenced to immediate custody	Sentenced to non-custody	Total sentenced		
10 to 17	60	122	182	19	201
18 to 20	90	39	129	22	151
21 to 24	72	21	93	14	107
25 to 30	50	15	65	13	78
31 to 34	17	3	20	2	22
35 to 39	11	6	17	0	17
40 plus	31	14	45	1	46
<b>Total</b>	<b>331</b>	<b>220</b>	<b>551</b>	<b>71</b>	<b>622</b>

These tables show final outcome of cases and for those who have yet to be convicted/sentenced, the outcome of the first hearing at magistrates' courts. Subsequent hearings may mean that some individuals who were remanded initially have had their cases dropped or released on conditional bail.

For those cases where the defendant was not sentenced 52 per cent were remanded in custody, as at midday 12<sup>th</sup> October 2011.

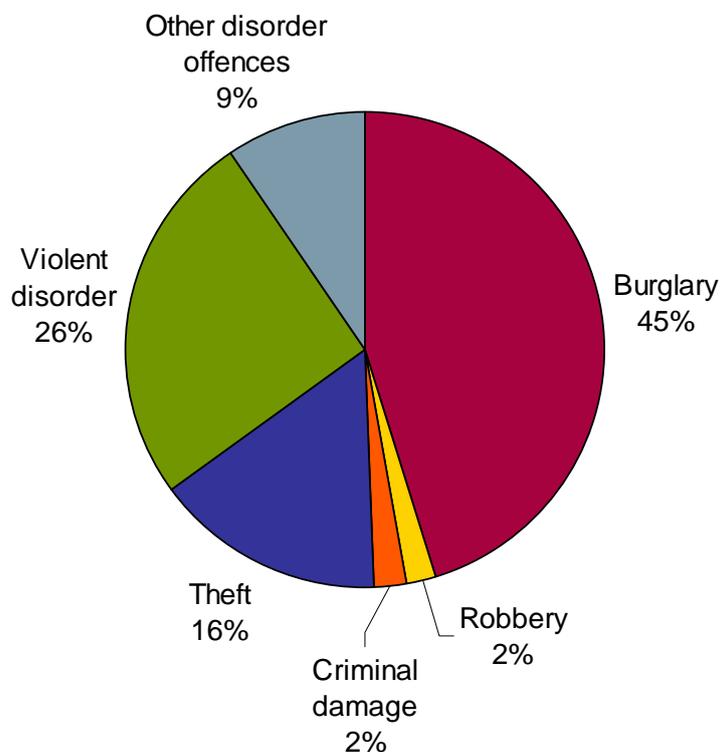
**Table 1.2: Defendants proceeded against at magistrates' courts, found guilty and sentenced at all courts for offences relating to the public disorder between 6<sup>th</sup> and 9<sup>th</sup> August 2011, (data as of midday 12<sup>th</sup> October 2011)**

Offence	First hearing	Found guilty	Sentenced	Sentence breakdown					
				Absolute / conditional discharge	Fine	Community sentence	Suspended sentence	Immediate custody	Otherwise dealt with
Burglary	898	336	249	4	0	51	13	181	0
Robbery	41	5	3	0	0	2	0	1	0
Criminal damage	41	19	18	2	1	8	4	3	0
Theft	312	151	129	3	4	23	15	84	0
Violent disorder(1)	506	113	98	7	4	22	2	43	20
Other riot offences(2)	186	62	54	4	8	15	6	19	2
<b>Total</b>	<b>1,984</b>	<b>686</b>	<b>551</b>	<b>20</b>	<b>17</b>	<b>121</b>	<b>40</b>	<b>331</b>	<b>22</b>

(1) Violent disorder (includes following offences: Violent disorder, Riot, Affray, Summary causing intentional harassment, alarm or distress, Summary harassment, alarm or distress, Assault with intent to resist apprehension or assault a person assisting a constable, Common assault offences, Assaulting a constable and offences under Public Order Act and Justice of the Peace Act).

(2) Other offence type (includes following offences: Having an article with a blade or point in public place, Possession of offensive weapons without lawful authority or reasonable excuse, Having possession of a controlled drug (Cannabis)).

**Figure 1.1: First hearings for offences relating to the public disorder between 6<sup>th</sup> and 9<sup>th</sup> August 2011 at magistrates' courts by offence category**



**Table 1.3: Defendants proceeded against at magistrates' courts, found guilty and sentenced at all courts for offences relating to the public disorder between 6<sup>th</sup> and 9<sup>th</sup> August 2011, (data as of midday 12<sup>th</sup> October 2011)**

Sex / Age group	First hearing	Found guilty	Sentenced	Sentence breakdown					
				Absolute / conditional discharge	Fine	Community sentence	Suspended sentence	Immediate custody	Otherwise dealt with
<b>Males</b>									
10 to 17	446	151	149	5	2	87	1	51	3
18 to 20	487	154	119	7	1	1	10	85	15
21 to 24	377	112	77	3	3	2	7	60	2
25 to 30	248	80	59	1	5	0	4	47	2
31 to 34	78	26	18	0	0	0	1	17	0
35 to 39	49	21	15	0	1	1	3	10	0
40 plus	92	50	40	2	5	2	5	26	0
<b>Total</b>	<b>1,777</b>	<b>594</b>	<b>477</b>	<b>18</b>	<b>17</b>	<b>93</b>	<b>31</b>	<b>296</b>	<b>22</b>
<b>Females</b>									
10 to 17	68	34	33	1	0	23	0	9	0
18 to 20	48	16	10	0	0	1	4	5	0
21 to 24	33	20	16	0	0	2	2	12	0
25 to 30	23	7	6	0	0	1	2	3	0
31 to 34	12	4	2	0	0	1	1	0	0
35 to 39	8	3	2	1	0	0	0	1	0
40 plus	15	8	5	0	0	0	0	5	0
<b>Total</b>	<b>207</b>	<b>92</b>	<b>74</b>	<b>2</b>	<b>0</b>	<b>28</b>	<b>9</b>	<b>35</b>	<b>0</b>
<b>Total</b>									
Aged 10 to 17	514	185	182	6	2	110	1	60	3
Aged 18 to 20	535	170	129	7	1	2	14	90	15
Aged 21 to 24	410	132	93	3	3	4	9	72	2
Aged 25 to 29	271	87	65	1	5	1	6	50	2
Aged 30 to 34	90	30	20	0	0	1	2	17	0
Aged 35 to 39	57	24	17	1	1	1	3	11	0
Aged 40 and over	107	58	45	2	5	2	5	31	0
<b>Total</b>	<b>1,984</b>	<b>686</b>	<b>551</b>	<b>20</b>	<b>17</b>	<b>121</b>	<b>40</b>	<b>331</b>	<b>22</b>

For cases which reached a final outcome, a total of 551 offenders have been sentenced, the largest proportion of these were for burglary (45 per cent), violent disorder (18 per cent) and theft (23 per cent).

The proportion of offenders sentenced who received an immediate custody sentence for offences related to the public disorder at magistrates' courts was 42 per cent. This compares with 12 per cent for offenders sentenced for similar offences in England and Wales 2010.

**Table 1.4: Immediate custody rate<sup>(1)</sup> for offences related to the disorder between 6<sup>th</sup> and 9<sup>th</sup> August, (data as of midday 12<sup>th</sup> October 2011)**

Court type / Offence category	Offences related to the public disorder of 6th to 9th August 2011		Immediate custody rate in England and Wales 2010 for similar offences
	Immediate custodial sentences	Immediate custody rate for those sentenced	
<b>Magistrates' courts</b>			
Burglary	57	50%	23%
Robbery	0	*	13%
Criminal damage	3	17%	6%
Theft	43	58%	16%
Violent disorder <sup>(2)</sup>	27	33%	2%
Other disorder offences <sup>(3)</sup>	9	22%	9%
<b>Total</b>	<b>139</b>	<b>42%</b>	<b>12%</b>
<b>Crown Court</b>			
Burglary	124	91%	68%
Robbery	1	*	41%
Criminal damage	0	*	42%
Theft	41	75%	52%
Violent disorder <sup>(2)</sup>	16	94%	46%
Other disorder offences <sup>(3)</sup>	10	77%	36%
<b>Total</b>	<b>192</b>	<b>86%</b>	<b>33%</b>

To note: Crown Court data for 2010 are based on cases that were found guilty at the magistrates' courts and committed for sentence at the Crown Court in order to give the most reliable comparison with disorder cases which have been sentenced so far.

\* = Not applicable.

(1) Proportion of offenders sentenced who received an immediate custodial sentence.

(2) Violent disorder includes following offences: Violent disorder, Riot, Affray, Summary causing intentional harassment, alarm or distress, Summary harassment, alarm or distress, Assault with intent to resist apprehension or assault a person assisting a constable, Common assault offences, Assaulting a constable and offences under Public Order Act and Justice of the Peace Act.

(3) Other disorder offence types includes following offences: Having an article with a blade or point in public place, Possession of offensive weapons without lawful authority or reasonable excuse, Having possession of a controlled drug (Cannabis).

The average custodial sentence length (ACSL) for offences related to the public disorder at magistrates' courts was 5.7 months. This compares with 2.5 months for offenders sentenced for similar offences in England and Wales in 2010. This difference is mainly down to the average custodial sentence lengths given for burglary, with offenders sentenced for the public disorder receiving 6.6 months, compared with 4.4 months for those sentenced in England and Wales in 2010, and theft and handling, which compared 4.4 months to 2.0 months. Juveniles sentenced to immediate custody for burglary have an ACSL of 7.6 months and for adults it was 5.5 months – this includes one offender given two consecutive six month sentences.

At the Crown Court the average custodial sentence length was 17.4 months compared with 11.3 months for offenders sentenced at the Crown Court following committal for sentence for similar offences in England and Wales in 2010.

**Table 1.5: Sentencing Comparison for offenders convicted following the August 2011 public disorder, with similar offences committed in 2010**

	For offences committed during the public disorder				During 2010			
	Total sentenced	Sentenced to custody	Immediate custody rate (%)	Average custodial sentence length (months)	Total sentenced	Sentenced to custody	Immediate custody rate (%)	Average custodial sentence length (months)
Juvenile (youth courts)	175	54	30.9	7.8	34,796	1,843	5.3	7.3
Adult - magistrates' courts	154	85	55.2	4.3	166,746	22,867	13.7	2.1
All ages - magistrates' courts	329	139	42.2	5.7	201,542	24,710	12.3	2.5

**Table 1.6: Average custodial sentence length (months) for offences related to the disorder between 6<sup>th</sup> and 9<sup>th</sup> August, (data as of midday 12<sup>th</sup> October 2011)**

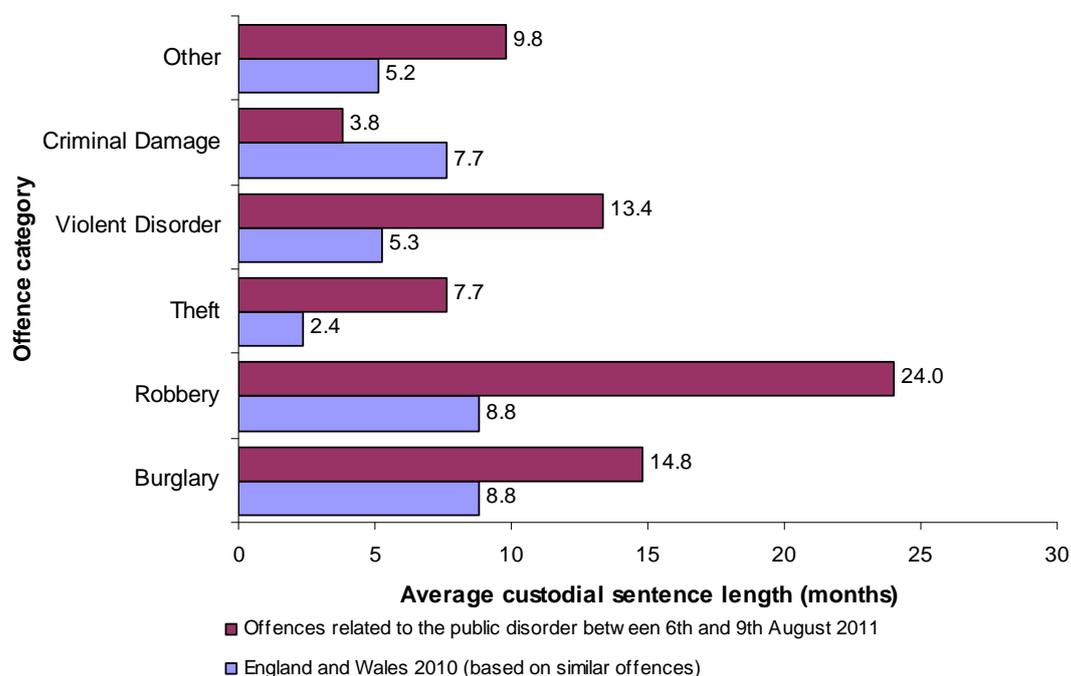
<u>Court type / Offence category</u>	<u>Completed court cases relating to the disorder</u>	<u>England and Wales 2010 (based on similar offences)</u>
<b><u>Magistrates' courts</u></b>		
Burglary	6.6	4.4
Robbery	-	8.8
Criminal damage	3.8	6.8
Theft	4.4	2.0
Violent disorder <sup>(1)</sup>	6.6	3.1
Other disorder offences <sup>(2)</sup>	3.7	2.7
<b>Total</b>	<b>5.7</b>	<b>2.5</b>
<b><u>Crown Court</u></b>		
Burglary	18.6	16.2
Robbery	24.0	10.8
Criminal damage	-	7.7
Theft	11.1	6.6
Violent disorder <sup>(1)</sup>	24.8	9.9
Other disorder offences <sup>(2)</sup>	15.3	7.6
<b>Total</b>	<b>17.4</b>	<b>11.3</b>

**To note: Crown Court data for 2010 are based on cases that were found guilty at the magistrates' courts and committed for sentence at the Crown Court in order to give the most reliable comparison with disorder cases which have been sentenced so far.**

(1) Violent disorder (includes following offences: Violent disorder, Riot, Affray, Summary causing intentional harassment, alarm or distress, Summary harassment, alarm or distress, Assault with intent to resist apprehension or assault a person assisting a constable, Common assault offences, Assaulting a constable and offences under Public Order Act and Justice of the Peace Act).

(2) Other disorder offences includes following offences: Having an article with a blade or point in public place, Possession of offensive weapons without lawful authority or reasonable excuse, Having possession of a controlled drug (Cannabis).

**Figure 1.2: Average custodial sentence length (months) for offences related to the public disorder between 6<sup>th</sup> and 9<sup>th</sup> August 2011, (data as of midday 12<sup>th</sup> October 2011)**



As of the 15<sup>th</sup> of October 2011, details of seven successful appeals against sentences given at the magistrates' courts have been received. The appeal results are included in the statistics, including three custodial sentences being commuted to community sentences.

## Ethnicity

Information below on ethnicity relates to an individual's self classification of their ethnic background. The Census 5 point ethnicity classification has been collapsed to the 4 point classification in this section for comparability purpose. The report therefore covers "White"<sup>2</sup>, "Black"<sup>3</sup>, "Asian"<sup>4</sup>, "Other"<sup>5</sup> and "Not Stated"

For those defendants whose ethnicity is known<sup>6</sup> 46 per cent were Black, 42 per cent were White, seven per cent were Asian and five per cent were classified as "Other".

For those cases which have yet to come to a final conclusion at court, eight per cent of White and Black defendants were remanded on unconditional bail, whereas 41 per cent of White defendants were remanded on conditional bail, compared to 38 per

<sup>2</sup> From the Census 5 point ethnicity classification White includes: - White – British, White – Irish, White – Other

<sup>3</sup> From the Census 5 point ethnicity classification Black includes: - Black – African, Black – Caribbean, Black – Other. From the "Mixed" category, White and Black African, White and Black Caribbean.

<sup>4</sup> From the Census 5 point ethnicity classification Asian includes: - Asian – Bangladeshi, Asian – Indian, Asian – Pakistani, Asian – Other. From the "Mixed" category, White and Asian.

<sup>5</sup> From the Census 5 point ethnicity classification Other includes: - Chinese and Other, From the "Mixed" category, any other mixed background.

<sup>6</sup> Excludes defendants whose ethnicity is Not Stated or Not recorded at court.

cent of Black defendants. When considering custodial remands 54 per cent of Black defendants and 50 per cent of White defendants were remanded in custody. During the 12 months ending March 2011, at the Crown Court, 45 per cent of Black defendants tried were remanded in custody, compared to 33 per cent of White defendants.

Where there has been a court outcome 53 per cent of White and Black offenders were given an immediate custodial sentence. This compares to 23 per cent of White offenders, and 26 per cent of Black offenders, sentenced to immediate custody for indictable offences during the 12 months ending March 2011.

**Tables 1.7a and 1.7b: Defendants brought before the courts for offences relating to the public disorder between 6th and 9th August 2011, by ethnicity<sup>(1)</sup> - data as of 12th October 2011**

**Table 1.7a: Defendants awaiting final outcome**

Ethnicity	Hearing not yet completed			Outcome of hearing not recorded	Total
	Remanded on unconditional bail	Remand on conditional bail	Remanded in custody		
White	34	184	226	4	448
Black	47	225	318	1	591
Asian	10	38	42	1	91
Other	7	24	24	0	55
Not stated	7	73	97	0	177
<b>Total</b>	<b>105</b>	<b>544</b>	<b>707</b>	<b>6</b>	<b>1,362</b>

**Table 1.7b: Final defendant outcome at court**

Ethnicity	Convicted and sentenced			Dismissed / acquitted	Total final outcomes
	Sentenced to immediate custody	Sentenced to non-custody	Total sentenced		
White	146	104	250	28	278
Black	112	65	177	35	212
Asian	14	8	22	3	25
Other	16	10	26	3	29
Not stated	43	33	76	2	78
<b>Total</b>	<b>331</b>	<b>220</b>	<b>551</b>	<b>71</b>	<b>622</b>

(1) Ethnicity is self defined ethnicity reported on the 16+1 scale and mapped to the 4+1 scale: See Excel tables for full details on this.

**Table 1.8: Defendants proceeded against at magistrates' courts, found guilty and sentenced at all courts for offences relating to the public disorder of 6th to 9th August 2011, by ethnicity<sup>(1)</sup> - data as of 12th October 2011**

Ethnicity	First hearing	Found guilty	Sentence breakdown							Average Custodial Sentence Length (Magistrates)	Average Custodial Sentence Length (Crown)
			Sentenced	Absolute / conditional discharge	Fine	Community sentence	Suspended sentence	Immediate custody	Otherwise dealt with		
White	726	302	250	12	11	48	19	146	14	5.4	19.1
Black	803	229	177	3	2	44	12	112	4	5.7	17.0
Asian	116	28	22	1	0	5	0	14	2	5.4	15.9
Other	84	32	26	2	1	6	1	16	0	7.8	15.6
Not stated	255	95	76	2	3	18	8	43	2	5.6	14.2
<b>Total</b>	<b>1,984</b>	<b>686</b>	<b>551</b>	<b>20</b>	<b>17</b>	<b>121</b>	<b>40</b>	<b>331</b>	<b>22</b>	<b>5.7</b>	<b>17.4</b>

(1) Ethnicity is self defined ethnicity reported on the 16+1 scale and mapped to the 4+1 scale: See Excel tables for full details on this.

The ethnic backgrounds, of those appearing before the courts, vary significantly by area. In London 32 per cent of defendants were White, whereas in Merseyside 79 per cent of defendants were White. By contrast 15 per cent of defendants in Merseyside were Black, compared to Nottingham where 59 per cent were Black.

**Table 1.9a: Defendants brought before the courts for offences relating to the public disorder between 6th and 9th August 2011, by ethnicity<sup>(1)</sup> and region - data as of 12th October 2011**

Ethnicity	Region						Total
	London	West Midlands	Nottingham	Greater Manchester	Merseyside	Other	
White	373	67	23	146	48	69	726
Black	630	67	37	42	9	18	803
Asian	85	23	0	4	2	2	116
Other	67	6	3	4	2	2	84
Not stated	231	11	1	4	1	7	255
<b>Total</b>	<b>1,386</b>	<b>174</b>	<b>64</b>	<b>200</b>	<b>62</b>	<b>98</b>	<b>1,984</b>

(1) Ethnicity is self defined ethnicity reported on the 16+1 scale and mapped to the 4+1 scale: See Excel tables for full details on this.

**Table 1.9b: Proportions of defendants of known ethnicity brought before the courts for offences relating to the public disorder between 6th and 9th August 2011, by ethnicity<sup>(1)</sup> and region - data as of 12th October 2011**

Ethnicity	Region						Total
	London	West Midlands	Nottingham	Greater Manchester	Merseyside	Other	
White	32%	41%	37%	74%	79%	76%	42%
Black	55%	41%	59%	21%	15%	20%	46%
Asian	7%	14%	*	2%	3%	2%	7%
Other	6%	4%	5%	2%	3%	2%	5%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

(1) Ethnicity is self defined ethnicity reported on the 16+1 scale and mapped to the 4+1 scale: See Excel tables for full details on this.

In this section areas are the residential location, where known, of defendants, and differ from the regions above which show, in the main, the location of the offence. However, caution is needed when analysing these figures as the comparisons with the local population have not been fully age adjusted.

In some areas the ethnicity breakdowns partially reflects the resident population in that area;

- Salford – of defendants brought before the courts, 94 per cent were White and six per cent were Black; whereas the resident population, under the age of 40, comprised 88 per cent White and two per cent were Black.

In other areas the proportions of those brought before the courts who were white was significantly lower and those who were Black was significantly higher than the proportion in the resident population - for example;

- Haringey – of defendants brought before the courts, 34 per cent were of a White background and 55 per cent were from a Black background; whereas, the resident population, under the age of 40, comprised of 62 per cent from White backgrounds and 17 per cent from Black backgrounds.
- Nottingham – of defendants brought before the courts, 32 per cent were White and 62 per cent were from Black backgrounds; whereas, the resident population, under the age of 40, comprised 71 per cent from White and nine per cent from Black backgrounds.
- Birmingham – of defendants brought before the courts, 46 per cent were from a Black background, 33 per cent from a White background and 15 per cent from an Asian background. Whereas the resident population, aged under 40, comprised 58 per cent from White, 30 from Asian and nine per cent from Black backgrounds.

In all areas but one, the proportion of those brought before the courts that were Asian is lower than the proportion of Asians in the resident population. The exception is Merseyside where the proportions are similar.

Even within an area the ethnic mix of those appearing before the courts is different. For example in London, more residents of the borough of Croydon have appeared before the courts than any other borough. Of the 137 Croydon residents who have appeared before the courts so far 50 per cent were from Black backgrounds, whereas people from Black backgrounds only make up 16 per cent of the population, under the age of 40, of that borough as a whole.

The resident population is based on the Office for National Statistics; Annual Population (APS) Survey 2010.

## Number in custody as at 30<sup>th</sup> September [Tables 2.1 – 2.2]

The information below relates to the numbers being held in prison (or other secure accommodation for juveniles) as at Friday 30 September. The information has been calculated by matching the published prison population file for Friday 30 September to the court records file for all cases that had appeared before the court by midday Wednesday 28 September.

The numbers will not directly match the court data presented above, which relates to all cases appearing before the court by midday 12 October, for a number of reasons. Some of those remanded in custody at initial court hearing have had a change in remand status at a subsequent hearing, through either dropping of charges, or decision to release on bail. Some have been acquitted following trial so are no longer in custody. Others have served their sentence (or had their sentence varied on appeal) and been released from prison. Additionally, the analysis is based on matching of data from two separate data systems, so the quality of the match is dependant on the quality and consistency of information input.

### Key points:

- There were 846 individuals in prison on 30 September 2011 for offences relating to the public disorder. There were a further 23 being held in Secure Training Centres (STCs), and Secure Children's Homes (SCHs).
- Of the total in custody, 13 per cent (109) were aged under 18, 31 per cent (268) were aged 18-20 and 57 per cent (492) were aged 21 and over.
- Of those in prison, 110 were foreign nationals, which is 13 per cent of the total. This is in line with the total prison population where, as at 30 June 2011, 13 per cent were foreign nationals.

**Table 2.1: Prison population on 30 September 2011, for persons imprisoned for offences related to the disorder between 6<sup>th</sup> and 9<sup>th</sup> August 2011**

Age group / Nationality	Males	Females	Total
<b>Total in prison</b>	<b>793</b>	<b>53</b>	<b>846</b>
Aged 15-17	82	4	86
Aged 18-20	255	13	268
Adult (21+)	456	36	492
UK Nationals	657	46	703
Foreign Nationals	108	2	110
Nationality not recorded	28	5	33

**Table 2.2: Numbers held in Secure Children's Homes and Secure Training Centres on 30 September 2011, for offences related to the public disorder between 6<sup>th</sup> and 9<sup>th</sup> August 2011**

	Males	Females	Total
Secure Children's Homes	6	2	8
Secure Training Centres	8	7	15

## Previous criminal histories [Tables 3.1 – 3.2]

By matching information on those involved in the public disorder with the Police National Computer we have been able to assess previous cautions and convictions of those who appeared before the courts for the disorder up to midday on 28<sup>th</sup> September. Our initial analysis shows that:

- Overall 76 per cent of those who have appeared before the courts for the disorder had a previous caution or conviction
- 80 per cent of adults and 62 per cent of juveniles had a previous caution or conviction

In order to assess whether those who appeared before the courts were more likely to have previous convictions, these data will be compared with data on the conviction histories of adults and juveniles. The comparison is restricted to males who make up 90 per cent of those brought before the courts for the disorder. This shows that

- 71 per cent of adult males who have been brought before the courts for the disorder had at least one previous conviction compared to 28 per cent of males aged 18-52 in the population as a whole who have at least one previous conviction
- 45 per cent of males aged 10-17 brought before the courts for the disorder had at least one previous conviction. This compares with two per cent of the 10-17 year old male population who have at least one previous conviction

It is clear that those who took part in the disorder were much more likely to have a previous conviction than the population as a whole.

Comparisons can also be made with previous criminal histories and number of people receiving their first conviction, caution, reprimand or warning. This shows that

- 24 per cent of those brought before the courts for their role in the disorder had no previous cautions or convictions. This compares with 23 per cent of those dealt with for indictable offences in 2010/11.
- 40 per cent of those brought before the courts had more than 5 previous offences. This compares with 50 per cent of those dealt with in 2010/11 for indictable offences.

In total, those brought before the courts have committed nearly 20,000 previous offences, at an average of 11 previous offences per individual (or 14 previous offences per offender who has at least one previous offence). This compares to an average of 19 previous offences for offenders who were sentenced for an indictable offence in 2010/11 (or 25 previous offences for offenders who had at least one previous offence).

26 per cent of those brought before the courts had been in prison at least once before (compared to 35 per cent of offenders who were sentenced for an indictable offence in 2010/11).

This suggests that while those taking part in the disorder were much more likely than the general population to have previous convictions, they are not quite as prolific as offenders sentenced for indictable offences in 2010/11.

**Table 3.1: Criminal histories of suspects involved in public disorder between 6th August and 9th August 2011 - data as of 28th September 2011**

England and Wales			Percentages and numbers of defendants						
Previous offences	Juveniles			Adults			All persons		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
None	36.7	45.8	37.8	18.2	35.9	19.8	22.8	38.9	24.4
1	15.8	20.3	16.4	9.7	9.2	9.7	11.2	12.6	11.4
2	10.8	10.2	10.7	7.2	9.9	7.4	8.1	10.0	8.3
3 - 5	18.0	13.6	17.4	14.7	14.5	14.7	15.6	14.2	15.4
6 - 10	9.1	5.1	8.6	16.3	11.5	15.9	14.5	9.5	14.0
11 - 14	4.6	1.7	4.2	7.2	2.3	6.7	6.5	2.1	6.1
15 - 49	4.8	3.4	4.6	20.8	9.9	19.8	16.8	7.9	15.9
50 or more	0.2	0.0	0.2	5.9	6.9	6.0	4.5	4.7	4.5
<b>Total number of defendants (100%)</b>	<b>417</b>	<b>59</b>	<b>476</b>	<b>1,255</b>	<b>131</b>	<b>1,386</b>	<b>1,672</b>	<b>190</b>	<b>1,862</b>

**Table 3.2: Criminal histories of all offenders who received a reprimand, warning, caution or sentence for an indictable offence in the 12 months to the end of March 2011**

England and Wales			Percentages and numbers of offenders						
Previous offences	Juveniles			Adults			All persons		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
None	34.5	53.7	38.4	16.9	33.0	19.7	19.6	36.6	22.6
1	16.1	16.4	16.2	7.7	10.0	8.1	8.9	11.1	9.3
2	10.0	8.2	9.6	5.7	6.3	5.8	6.3	6.7	6.4
3 - 5	16.0	11.0	15.0	11.5	10.9	11.4	12.2	10.9	12.0
6 - 10	10.7	5.6	9.7	11.6	9.4	11.2	11.5	8.7	11.0
11 - 14	4.3	2.0	3.8	6.3	4.6	6.0	6.0	4.1	5.7
15 - 49	8.1	3.0	7.0	24.8	16.8	23.4	22.3	14.4	20.9
50 or more	0.3	0.2	0.3	15.4	9.0	14.3	13.2	7.4	12.2
<b>Total number of offenders (100%)</b>	<b>58,212</b>	<b>14,368</b>	<b>72,838</b>	<b>329,437</b>	<b>66,923</b>	<b>396,939</b>	<b>387,649</b>	<b>81,291</b>	<b>469,777</b>

## **Socio-economic and educational factors [Tables 4.1 – 4.15]**

By matching information on those involved in the public disorder with the Department for Work and Pensions (for adults) and the Department for Education (for juveniles) we have been able to assess proxies for the socio-economic status of individuals who have been brought before the court up to midday on 28<sup>th</sup> September 2011. The initial analysis of matched cases shows that for individuals brought before the courts for the disorder:

- 35 per cent of adults were claiming an out of work benefit at the time of the disorder (compared to 12 per cent of the working age population in England in February 2011. 45 per cent of all offenders who were sentenced for an indictable offence in 2010 were claiming benefits.)
- 42 per cent of young people were in receipt of Free School Meals (compared to 16 per cent of all pupils in maintained secondary schools)
- Young people appearing before the courts came disproportionately from areas with high levels of deprivation as defined by the Income Deprivation Affecting Children Indices 2010. 64 per cent of 10-17 year olds for whom matched data were available lived in one of the 20 per cent most deprived areas whilst only three per cent lived in one of the 20 per cent least deprived areas

### **Educational factors**

- 66 per cent of juveniles were classified as having some form of special educational need (compared to 21 per cent of all pupils in maintained secondary schools)
- Over a third (36 per cent) of juveniles were identified as having had at least one fixed period exclusion from school during 2009/10 (compared to 6 per cent of all Year 11 pupils)

Overall, these analysis show that the individuals brought before the courts had a complex set of characteristics (age, previous criminal history, socio-economic background and education), with no one factor standing out.

It is clear that compared to population averages, those brought before the courts were more likely to be in receipts of Free School meals or benefits, were more likely to have had special educational needs and be absent from school, and more likely to have some form of criminal history.

It is important to note that none of the factors explored imply causality with the public disorder events, but provide a deeper background understanding of the characteristics of those brought before the courts.

**All tables relating to findings presented in this chapter can be found in the accompanying Excel tables; Tables 4.1 to 4.15. Table numbers are provided in this chapter.**

## Socio-economic factors – Adults

By matching information on those involved in the public disorder with the Department for Work and Pensions we have been able to assess a proxy for the socio-economic status of adults (benefit status at time of the public disorder) who have been brought before the court up to midday on 28<sup>th</sup> September 2011. The initial analysis shows that:

- 35 per cent of adults brought before the courts for the disorder were claiming an out of work benefit<sup>7</sup> at the time of the public disorder (compared to 45 per cent of all offenders who were sentenced for an indictable offence in 2010 and 12 per cent of the working age population in England in February 2011 who were claiming out of work benefits.)<sup>8</sup>.
- This includes 20 per cent of adults who were claiming Jobseeker's Allowance. (compared to four per cent of the working age population in England in February 2011).

### Introduction

The information below relates to the benefit status at the time of the public disorder for adults who have appeared before the court for offences relating to the public disorder in August 2011. It examines the proportion of individuals who were claiming benefits at that time (including benefit type) by a range of different breakdowns (age, ethnicity, gender and region). It considers how the profile of this group of adults compares with the benefit status of all the working age population in England and how it compares with the benefit status of all offenders who were sentenced for an indictable offence in 2010.

The analysis is based on matching Ministry of Justice records of those who had appeared before the courts as of midday 28<sup>th</sup> September to information from the National Benefits Database (NBD) held by the Department for Work and Pensions (DWP).

As of midday 28<sup>th</sup> September there were 1,344 adults who had appeared before the courts<sup>9</sup>. Of these, 1,046 (78 per cent) were successfully matched to DWP data. The matched sample is broadly representative of the full cohort of adults appearing before the courts in terms of age, ethnicity and region although there are differences, particularly with ethnicity. Further information on the data sources and matching process can be found in the annex on matching.

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<sup>7</sup> Where referenced, Out of work benefits include Jobseeker's Allowance (JSA), Incapacity Benefit (IB), Employment and Support Allowance (ESA), Income Support (IS), Passported Incapacity Benefit (PIB) and Severe Disablement Allowance (SDA)

<sup>8</sup> All comparators on the working age population are related to the 16 – 64 aged population in England as at February 2011. They are taken from [www.nomisweb.co.uk](http://www.nomisweb.co.uk) which is a service provided by the Office for National Statistics that collates labour market statistics from official sources, including the DWP.

<sup>9</sup> Individuals were excluded from the data match (and therefore this analysis) if their court case had reached a final outcome by 28 September and the individual was not convicted (due to being found not guilty or the case being dropped by the courts)

## **Benefit status – overall**

Benefit status at the time of the public disorder provides the best available proxy for the socio-economic status of adults who appeared before the courts for offences relating to the public disorder in 2011.

40 per cent of adults brought before the courts were claiming a DWP benefit at the time of the public disorder with 35 per cent of adults claiming one of the main out of work benefits. This compares to around 15 per cent and 12 per cent respectively of the working age population in England in February 2011. It is estimated that 48 per cent of all offenders who were sentenced for an indictable offence in 2010 were claiming benefits at the time of offence, with an estimated 45 per cent claiming out of work benefits.<sup>10</sup>

A fifth (20 per cent) of adults brought before the courts were claiming Jobseeker's Allowance (JSA), 10 per cent were claiming Employment and Support Allowance (ESA), 10 per cent were claiming Income Support (IS), five per cent claiming incapacity benefit (IB), and five per cent claiming Disability Living Allowance (DLA) .

Tables 4.1 and 4.2 provide more details.

## **Benefit status – by age (Table 4.3)**

The proportion of adults brought before the courts for the disorder claiming benefits differs by age group. The proportion claiming benefits increases with age with 30 per cent of adults aged 18 -20 claiming out of work benefits at the time of the public disorder compared to 60 per cent of adults aged over 40. The 35 – 39 age category had the highest proportion of adults claiming out of work benefits at 65 per cent.

## **Benefit status – by gender (Table 4.4)**

Male adults brought before the courts (who accounted for 90 per cent of the total number of adults) were less likely to be claiming benefits at the time of the disorder than female adults brought before the courts (40 per cent compared to 55 per cent). In contrast, in the working age population in England, males are more likely to be claiming out of work benefits than females; 13 per cent compared to 11 per cent.

A fifth of the female adults brought before the courts were claiming Income Support at the time of the disorder compared to under 2.5 per cent of males. 15 per cent of females brought before the courts were claiming Jobseeker's Allowance at the time of the disorder compared to 20 per cent of males.

## **Benefit status – by ethnicity (Table 4.5)**

Where ethnicity was recorded, there are some differences in benefit status between ethnic groups. White adults brought before the courts were more likely to be claiming out of work benefits at the time of the disorder than other ethnic groups brought before the courts (45 per cent compared to the overall average of 35 per cent). The Asian / Asian British group and Chinese or other ethnic groups brought before the

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<sup>10</sup> The offender comparator is an estimate from the wider Understanding Re-offending MoJ/DWP/HMRC data linking project. More findings from the wider data share (which includes all offenders) will be published on 24 November 2011.

courts were the least likely to be claiming benefits with 25 per cent who were claiming out of work benefits.

### **Benefit status – by region (Table 4.6)**

Over 90 per cent of all adults attended courts in only three regions reflecting where the majority of the disorder occurred: London (70 per cent), North West (13 per cent) and West Midlands (eight per cent). Adults brought before the courts in the North West and West Midlands had a higher proportion of people claiming out of work benefits at the time of the public disorder compared to other regions – 45 and 50 per cent respectively compared to 35 per cent in London and other regions.

In the general population, benefit claiming in the North West and West Midlands is higher than in London where 15 and 14 per cent of the working age population in the North West and West Midlands respectively claim out of work benefits compared to 12 per cent in London.

### **Socio-economic and educational factors – Young people**

The figures in this section are based on matching Ministry of Justice (MoJ) records of those aged 10-17 who had appeared before the courts as at midday 28<sup>th</sup> September to information from the National Pupil Database (NPD) held by the Department for Education (DfE). The initial analysis of matched cases shows that for individuals brought before the courts:

- 42 per cent of young people were in receipt of Free School Meals (compared to 16 per cent of pupils in maintained secondary schools)
- 66 per cent of young people had some provision for special educational needs (compared to 21 per cent of all pupils in maintained secondary schools)
- Over a third (36 per cent) of young people were identified as having at least one fixed period exclusion from school during 2009/10 (compared to 6 per cent of Year 11 pupils)
- Just over half had achieved the expected level of Key Stage 2 attainment in English and Maths assessments (compared to three quarters of all pupils who completed Key Stage 2 assessments in 2005/06)
- 11 per cent achieved 5 or more A\* - C grades at GCSE including English and Maths (compared to 53 per cent of all pupils in 2009/10)

There is significant overlap between each of these indicators, and therefore these separate indicators should be viewed as a linked picture of the young people brought before the courts.

### **Introduction**

The information in this section relates to the background characteristics of young people aged 10-17 who have appeared before the courts for offences relating to the public disorder in August 2011. It examines their demographic characteristics, school attendance and educational attainment records. It also considers how the profile of this group of young people compares with the characteristics of all children in maintained secondary schools.

The analysis is based on matching MoJ records of those who had appeared before the courts as of midday 28<sup>th</sup> September 2011 to information from the NPD held by the DfE.

As of midday 28<sup>th</sup> September there were 465 10-17 year olds who had appeared before the courts. Of these, NPD records were obtained for 386 individuals aged 10-17 at the start of the 2010/11 academic year (a match rate of 83 per cent). The matched sample is broadly representative of the full cohort of 465 young people appearing before the courts in terms of age, ethnicity and Local Authority of residence. Further information on the data sources and matching process can be found in the annex on matching.

### **Background characteristics**

This section reports on the background characteristics of young people appearing before the courts as recorded in the most recently available NPD record for each individual where a match between MoJ and DfE records were found. These records indicate that of those aged 10-17 at the start of the academic year 2010/11 (31 August 2010) for whom matched data are available:

- 88 per cent were male and 12 per cent were female (Table 4.7)
- The majority were aged between 14 and 16 at the start of the academic year 2010/11. It should be borne in mind that by the time the disturbances took place in August 2011 the majority would have been one year older.
- The majority (59 per cent) were from London. Other main areas which accounted for a proportion of young people appearing before the courts were the North West (18 per cent of total appearances), the West Midlands (seven per cent) and the East Midlands (six per cent).
- The ethnic breakdown of the matched sample of 10-17 year olds was: 45 per cent white, 30 per cent black, five per cent Asian and 14 per cent mixed race (Table 4.8a).

The proportion of black and mixed race young people appearing before the courts is high compared with the ethnic composition of all pupils in maintained secondary schools. Conversely, the proportion of Asian young people appearing before the courts is low compared with all pupils in maintained secondary schools.<sup>11</sup>

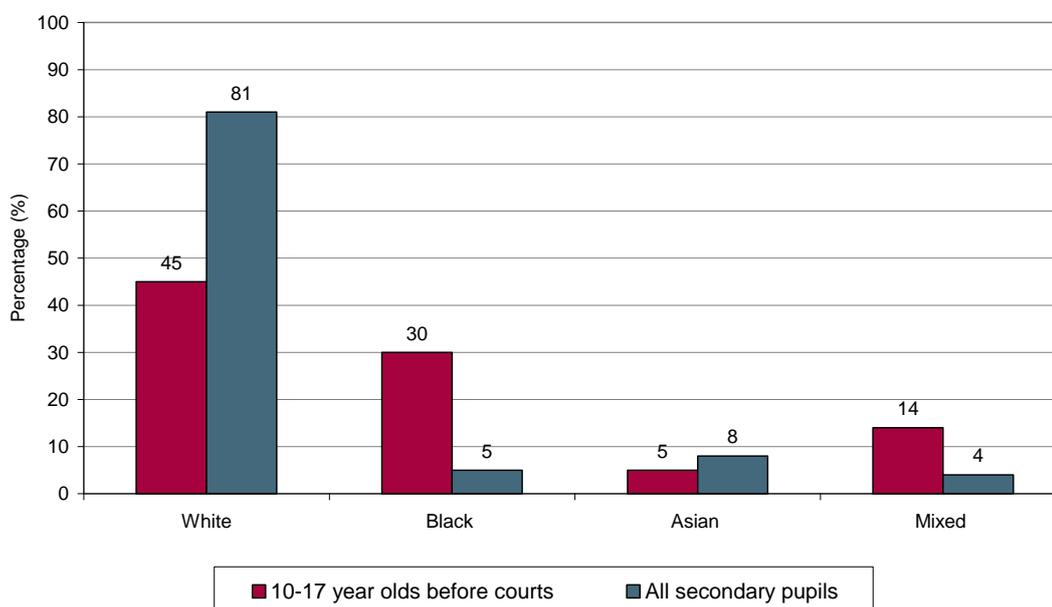
This pattern is consistent whether comparisons are made across England as a whole or separately for the regions, London and the North West, which accounted for the most court appearances. In London, for example, the proportion of black 10-17 year olds appearing before the courts (41 per cent) was twice as high as the proportion of black pupils attending maintained secondary schools in London (21 per cent) (Table 4.8b).

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<sup>11</sup> Figures for all pupils in maintained secondary schools taken from DfE: Schools, Pupils and their Characteristics, January 2011

[www.education.gov.uk/rsgateway/DB/SFR/s001012/index.shtml](http://www.education.gov.uk/rsgateway/DB/SFR/s001012/index.shtml)

**Figure 4.1: Proportion of 10-17 year olds appearing before courts by ethnic group - Comparison with all pupils in maintained secondary schools January 2011**



### Indicators of deprivation

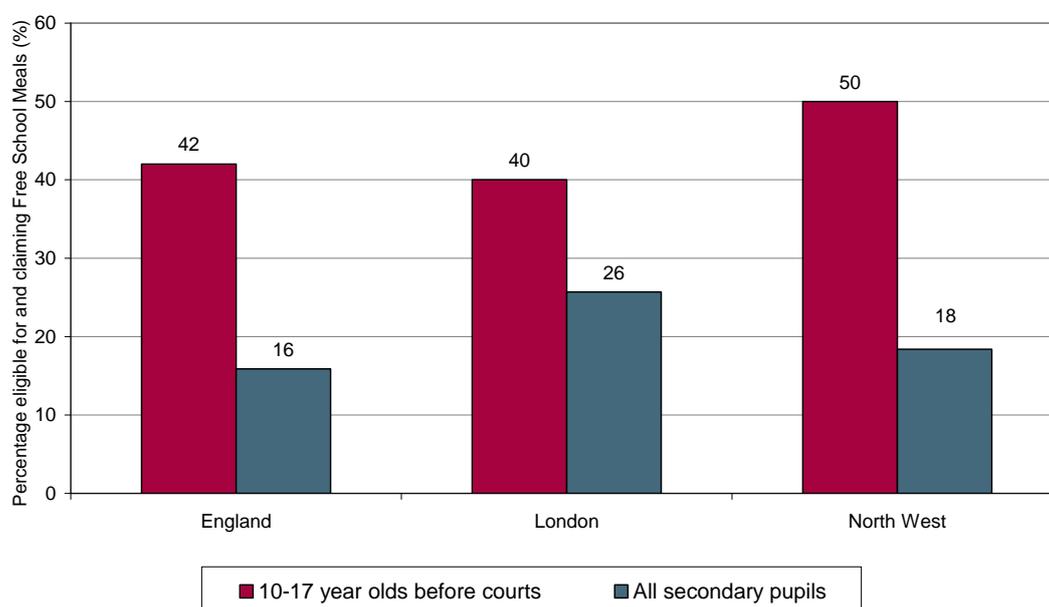
Eligibility for Free School Meals (FSM) provides an indicator of whether the individuals appearing before the courts were themselves living in a low income household. 42 per cent of 10-17 year olds for whom matched data were available was eligible for and claiming FSM according to the most recent available record, which compares to 16 per cent of all 11-15 year olds in maintained secondary schools in January 2011<sup>12</sup> (Table 4.9a).

This indicates that the young people appearing before the courts were disproportionately from poorer households<sup>13</sup>. This pattern can also be seen in London, where 40 per cent of those appearing before the courts were in receipt of FSM compared to 26 per cent of all London pupils, and the North West (50 per cent and 18 per cent respectively) (Table 4.9b).

<sup>12</sup> DfE NPD data includes all children in maintained schools in England. This accounts for the majority of young people up to the end of compulsory school; post 16 young people take a variety of pathways and NPD data are less representative of older age groups. As a result the comparisons in this report tend to be for 11-15 year olds only.

<sup>13</sup> This comparison probably slightly underestimates the “socio-economic gap” between those appearing before the courts and the general population given that the proportion of pupils eligible for and claiming FSM declines with age and a significant proportion of those appearing before the courts were aged 16 and above

**Figure 4.2: Proportion of 10-17 year olds appearing before courts eligible for and claiming Free School Meals (FSM) by region. Comparison with all pupils in maintained secondary schools in January 2011**



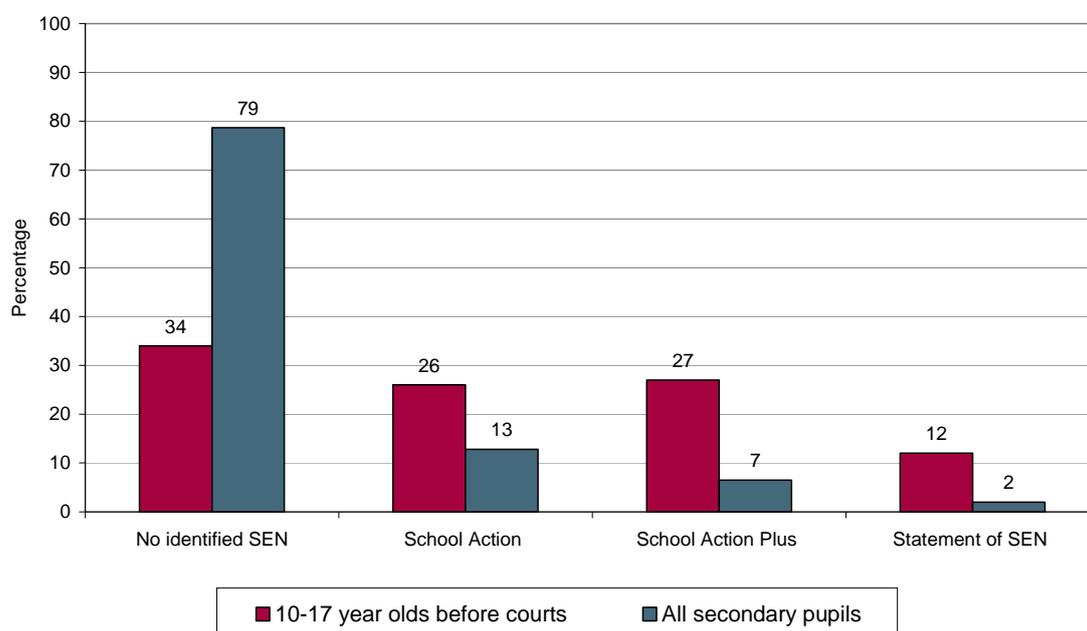
Young people appearing before the courts came disproportionately from areas with high levels of income deprivation as defined by the Income Deprivation Affecting Children Indices (IDACI) rankings for 2010. 64 per cent of 10-17 year olds for whom matched data were available lived in one of the 20 per cent most deprived areas whilst only three per cent lived in one of the 20 per cent least deprived areas (Table 4.10a). The differences are more notable in the North West (where 68 per cent of matched 10-17 year olds lived in the most deprived areas, compared to 28 per cent of all secondary school pupils) than in London (where the figures were 64 per cent and 50 per cent respectively) (Tables 4.10b and 4.10c).

### Special Educational Needs

A high proportion of 10-17 year olds appearing before the courts had been identified as having special educational needs (SEN). Two-thirds (66 per cent) of 10-17 year olds for whom matched data were available had some form of SEN. This includes 12 per cent with a statement of SEN, a level of provision for those with the most severe needs. In comparison, 21 per cent of all pupils in maintained secondary schools had SEN and two per cent had a statement of SEN<sup>14</sup> (Table 4.11).

<sup>14</sup> Figures for all pupils in maintained secondary schools taken from Special Educational Needs in England: January 2011 [www.education.gov.uk/rsgateway/DB/SFR/s001007/index.shtml](http://www.education.gov.uk/rsgateway/DB/SFR/s001007/index.shtml)

**Figure 4.3: Proportion of 10-17 year olds appearing before courts identified with special educational needs. Comparison with all pupils in maintained secondary schools January 2011**



### School attendance

The average overall absence rates<sup>15</sup> for the 381 10-17 year olds for whom attendance data are available was 19 per cent. The average rate of unauthorised absence was eight per cent. Three in ten (30 per cent) were classed as persistent absentees<sup>16</sup> (Table 4.12a).

These figures indicate that absence rates among those 10-17 year olds appearing before the courts are considerably higher than average. In particular, the rate of unauthorised absence is around three times higher among those appearing before the courts<sup>17</sup>. The proportion of persistent absentees among those appearing before the courts (30 per cent) is four times higher than the average for Year 11 pupils in 2009/10 (seven per cent)<sup>18</sup>.

<sup>15</sup> The National Pupil Database contains information on pupil absence rates, i.e. the number of half days missed due to absence calculated as a proportion of the total number of possible half day sessions. Separate figures are available for authorised, unauthorised and overall absence rates. Absence rates for individuals appearing before the courts were calculated using data from the most recent school year for which matched data are available (2009/10 in most cases)

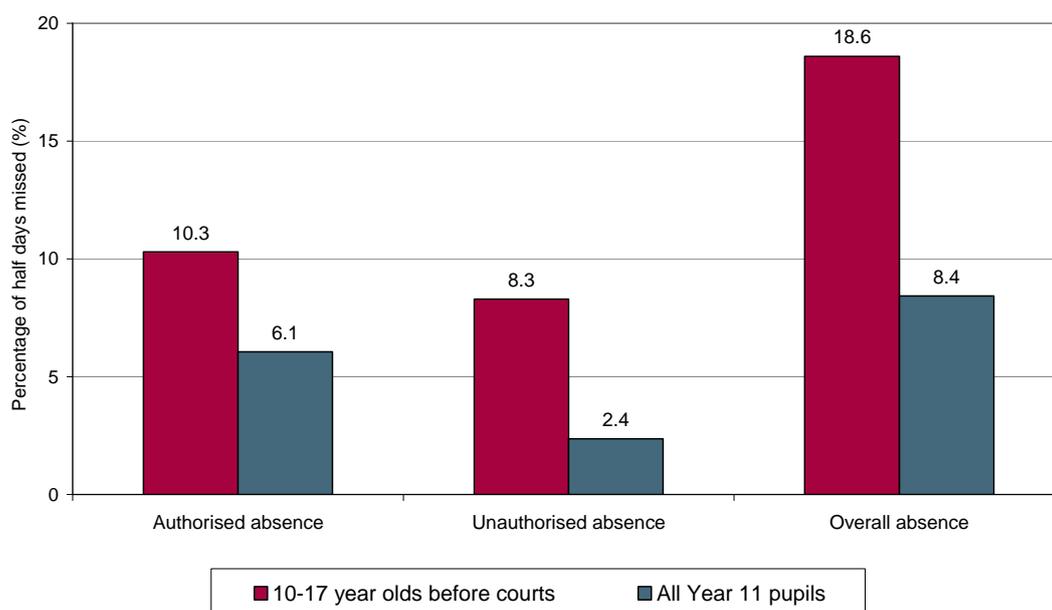
<sup>16</sup> Persistent absentees are defined as having 64 or more sessions of absence (authorised and unauthorised) during the year, around 20 per cent overall absence rates

<sup>17</sup> There is a high proportion of 15 and 16 year olds appearing before the courts. As absence rates tend to increase with age, we have made comparisons in the chart with the average absence rates among Year 11 pupils in maintained secondary schools in 2009/10 rather than all pupils

<sup>18</sup> Figures for all Year 11 pupils in maintained secondary schools taken from Pupil Absence in Schools in England, Including Pupil Characteristics: 2009/10

[www.education.gov.uk/rsgateway/DB/SFR/s000994/index.shtml](http://www.education.gov.uk/rsgateway/DB/SFR/s000994/index.shtml)

**Figure 4.4: Absence rates among 10-17 year olds appearing before courts. Comparison with all Year 11 pupils in maintained secondary schools in 2009/10**



The finding that absence levels among the 10-17 year olds appearing before the courts are above average is perhaps not surprising given the socio-demographic characteristics of this group. Absence rates tend to be higher among pupils eligible for and claiming FSM and those with SEN, both of which groups are over represented amongst the matched sample of 10-17 year olds appearing before the courts.

However, absence rates for those appearing before the courts are relatively high even when compared with average rates of absenteeism among secondary pupils with similar characteristics. For example, 10 per cent of all secondary pupils eligible for FSM were classed as persistent absentees in 2009-10 compared with 38 per cent of those appearing before the courts who were eligible for FSM (Table 4.12b).

### School exclusions

There was a high incidence of school exclusions among 10 to 17 year olds appearing before the courts for those whose records were matched to the NPD. Over a third (36 per cent) were identified as having had at least one fixed period exclusion during 2009/10 compared to six per cent of all Year 11 pupils. Three per cent were identified as having been permanently excluded during the year compared to 0.1 per cent of all Year 11 pupils (Table 4.13).

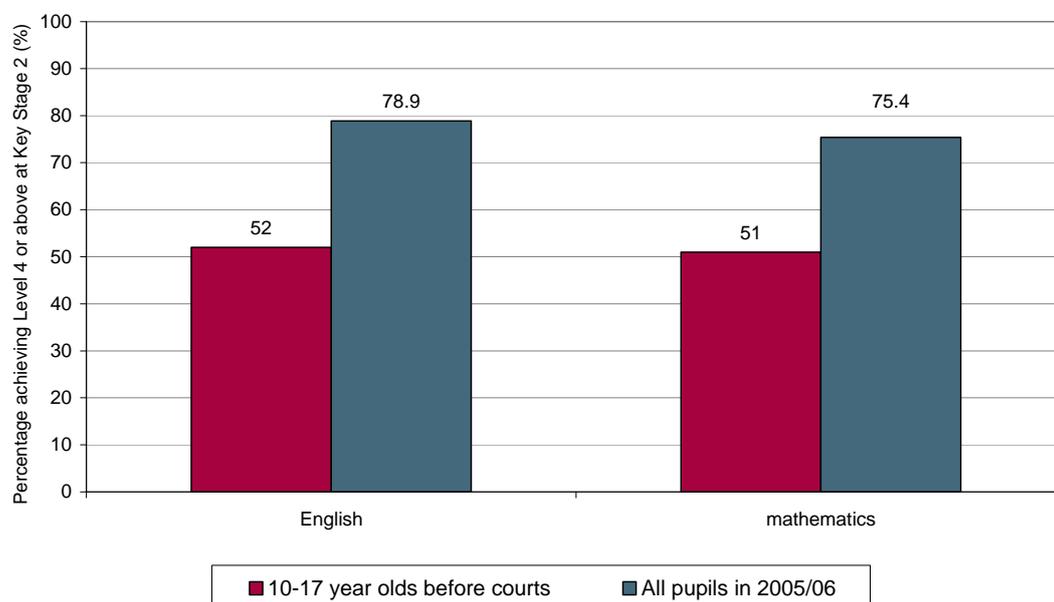
### Attainment at KS2

Data on attainment at Key Stage 2 (i.e. at the end of primary school) provides a measure of prior attainment for 94 per cent of the matched sample of 10 to 17 year olds appearing before the courts, including those who have not yet reached the end of Key Stage 4. The key measures of performance at Key Stage 2 (KS2) are achieving the expected level (Level 4) in English and Maths assessments. Of the 364 10-17 year olds appearing before the courts for whom KS2 attainment data were available, around half achieved the expected level 4 in English and Maths assessments (52 per cent and 51 per cent respectively) (Table 4.14a).

The chart below shows that KS2 attainment among those appearing before the courts was below average. In 2005/06<sup>19</sup> 79 per cent of all pupils achieved Level 4 or above in English at the end of KS2 whilst 75 per cent achieved Level 4 or above in Maths<sup>20</sup>.

The fact that those young people appearing before the courts performed below average at KS2 can at least partly be explained by the high incidence of young people identified with SEN amongst this group: children with SEN are much less likely to reach the expected level at KS2. However, even restricting the comparison to those with no SEN identified, attainment remains lower among those young people appearing before the courts compared with the national average (Table 4.14b).

**Figure 4.5: Proportion of 10-17 year olds appearing before courts achieving Level 4 or above in English and Mathematics at National Curriculum Key Stage 2 tests: Comparison with all pupils in 2005/06**



### Attainment at KS4

Data on attainment at Key Stage 4 are available for the subset of 10-17 year olds appearing before the courts who had already sat KS4 tests in or before the 2009/10 academic year. Two key measures of performance at KS4 are the achievement of the Level 2 threshold (i.e. 5 or more A\*- C grades at GCSE and equivalent) and the Level 2 threshold including English and Maths. Of the 150 10-17 year olds appearing before the courts for whom KS4 data are available, over half (57 per cent) achieved the first of these thresholds. However, a much smaller proportion (11 per cent)

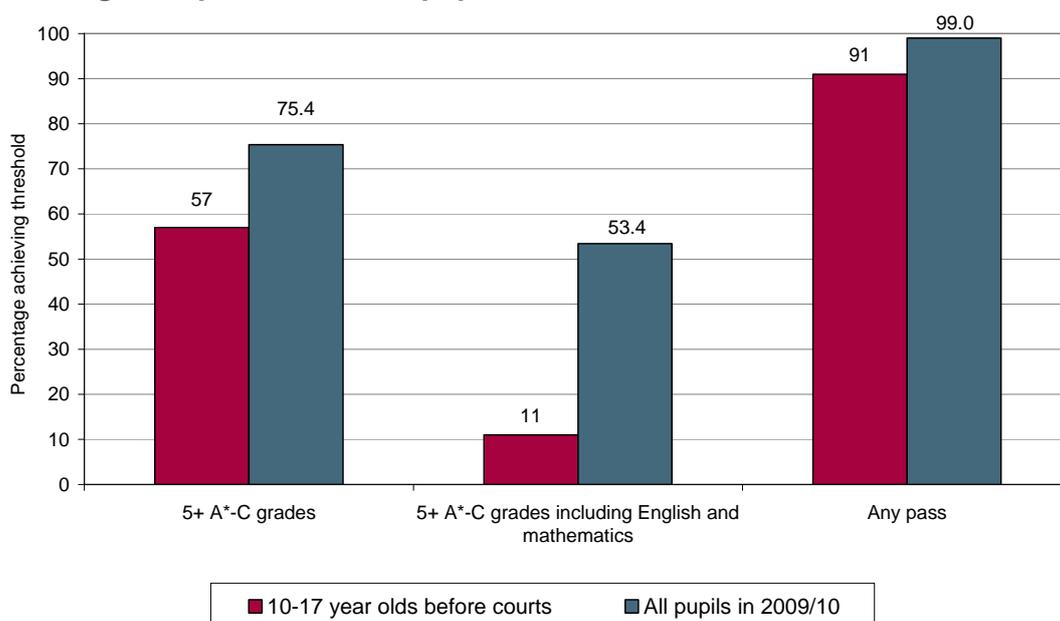
<sup>19</sup> It is most appropriate to compare the KS2 performance of those 10-17 year olds appearing before the courts against the performance of all pupils completing KS2 in 2005/06, the median year in which the matched sample completed KS2

<sup>20</sup> Figures for all pupils taken from Key Stage 2 Attainment by Pupil Characteristics, in England 2009/10 (provisional) [www.education.gov.uk/rsgateway/DB/SFR/s000975/index.shtml](http://www.education.gov.uk/rsgateway/DB/SFR/s000975/index.shtml)

achieved 5 or more A\* - C grades including English and Maths. A minority of the group (9 per cent) did not achieve any KS4 qualifications (Table 4.15).

It is most appropriate to compare the KS4 performance of those 10-17 year olds appearing before the courts against the performance of all pupils sitting KS4 exams in 2009/10 (since this is the year in which most of the matched sample sat their GCSE's). The chart shows that those appearing before the courts performed considerably below average, particularly with regard to the proportion achieving 5 or more A\* - C grades including English and Maths.<sup>21</sup>

**Figure 4.6: KS4 attainment of 10-17 year olds appearing before courts achieving: Comparison with all pupils in 2009/10**



Similar to KS2, the fact that attainment levels among the 10-17 year olds appearing before the courts are below average is perhaps not surprising given the socio-demographic characteristics of this group. Attainment levels tend to be lower among pupils eligible for and claiming FSM and those with SEN, both of which groups are over represented amongst the matched sample of 10-17 year olds appearing before the courts. However, due to the small numbers we have not included more analysis of this issue for those appearing before the courts.

Other factors likely to have contributed to the relatively poor performance of those appearing before the courts are their above average absence rates from school and their higher likelihood of having experienced either a fixed term or permanent exclusion (see previous section).

In conclusion, the young people appearing before the courts were more likely than average to come from poorer households; live in poorer areas; have some provision for SEN; be absent or excluded from school; and achieve lower attainment at both Key Stage 2 and 4.

<sup>21</sup> Figures for all pupils taken from GCSE and Equivalent Results in England, 2009/10 (Revised) [www.education.gov.uk/rsgateway/DB/SFR/s000985/index.shtml](http://www.education.gov.uk/rsgateway/DB/SFR/s000985/index.shtml)

## **Data sources and data quality**

The data presented in this publication are drawn from administrative IT systems. Although care is taken when processing and analysing the returns, the detail collected is subject to the inaccuracies inherent in any large scale recording system. While the figures shown have been checked as far as practicable, they should be regarded as approximate and not necessarily accurate to the last whole number shown in the tables. Where figures in the tables have been rounded to the nearest whole number, the rounded components do not always add to the totals, which are calculated and rounded independently.

### **Court hearings**

Justice Statistics Analytical Services within the Ministry of Justice received daily manual returns from the individual courts who were dealing with defendants identified as being involved in the public disorder. They provided summary information on key details taken from court registers to meet the needs of the courts service, National Offender Management Service (NOMS) and other Criminal Justice agencies for planning purposes.

The offence shown in the tables on court proceedings is the one for which the court took its final decision and is not necessarily the same as the offence for which the defendant was initially prosecuted, for example when the court accepts a guilty plea from the defendant on a lesser charge.

### **Prison data**

Those involved in the public disorder and being held in the prison estate have been identified by matching the manual court returns to the prison population data. This work helped support the planning process to ensure that there was sufficient capacity within the prison estate to deal with those involved in the public disorder.

Figures for those held in Secure Training Centres (STCs), and Secure Children's Homes were produced using the same matching process.

### **Criminal histories**

The figures on previous criminal histories have been taken from the Ministry of Justice's extract from the Police National Computer (PNC), the operational database used by all police forces in England and Wales. The PNC covers 'recordable' offences, which are defined as offences that can attract a custodial sentence plus some additional offences defined in legislation. Some non-recordable offences are also included on the PNC, particularly when they accompany recordable offences in the same case. A range of less serious summary offences, such as TV licence evasion and many motoring offences are not recorded on the PNC.

An offender is counted as having a criminal history if their PNC record shows that, at the time of the public disorder between 6th and 9th August 2011 they had previously committed one or more offences that had resulted in a reprimand, warning, caution or conviction.

### **School Pupil data**

The National Pupil Database (NPD) is a longitudinal database linking pupil characteristics to school and college learning aims and attainment information for all children in maintained schools in England.

## **Benefit data**

Benefit figures come from the May 2011 National Benefits Database. The NBD collates information from a number of data sources on a range of benefits that are paid by DWP. The May extract is accurate up to May but it includes enough information from benefit claims after this date to be able to provide a reasonable estimate of the number of people in receipt of the main working age benefits on 8th August 2011. These figures are reported here sooner than DWP benefit caseloads are normally released.

Disclosure controls have been applied to the benefit data in line with the way DWP produces national statistics for reporting overall benefit caseload figures.

## **Population data**

The Annual Population Survey (APS) is a long standing survey that generates a very large output of survey data (nearly 400,000 people). Estimates based on this dataset are, therefore, very accurate. Population estimates published each November are used to calculate the weighted estimates used in this analysis.

## **Ethnicity data**

Data for the main ethnicity section and tables is based on the information available as at 12<sup>th</sup> October 2011, and includes further validation of court data which allowed more previous unknown/not stated ethnicities classifications to be assigned to a known ethnicity. The Census 5 point ethnicity classification has been collapsed to the 4 point classification in this section for comparability purpose. The report therefore covers “White<sup>22</sup>”, “Black<sup>23</sup>”, “Asian<sup>24</sup>”, “Other<sup>25</sup>” and “Not Stated”. The executive summary includes a breakdown based on known ethnicity only, so not stated cases have been removed – therefore there are some differences between proportions reported. In each case we have stated what approach has been used.

Data for the ethnicity analysis used for Benefits and Education data is based on the information available as at 28<sup>th</sup> September 2011, and did not include the further validation of court records – so includes more cases that were unknown/not stated. For these two reasons, there will not be a direct match between the proportions reported in these sections with the proportions reported in the main Court proceedings section.

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<sup>22</sup> From the Census 5 point ethnicity classification White includes: - White – British, White – Irish, White – Other

<sup>23</sup> From the Census 5 point ethnicity classification Black includes: - Black – African, Black – Caribbean, Black – Other. From the “Mixed” category, White and Black African, White and Black Caribbean.

<sup>24</sup> From the Census 5 point ethnicity classification Asian includes: - Asian – Bangladeshi, Asian – Indian, Asian – Pakistani, Asian – Other. From the “Mixed” category, White and Asian.

<sup>25</sup> From the Census 5 point ethnicity classification Other includes: - Chinese and Other, From the “Mixed” category, any other mixed background.

## **Matching data with Department for Work and Pensions and Department for Education**

The figures in this chapter are based on matching Ministry of Justice records of those who had appeared before the courts as of midday 28<sup>th</sup> September 2011 to information from the National Pupil Database (NPD) held by the Department for Education and the National Benefits Database (NBD) held by the Department for Work and Pensions.

The NPD is a longitudinal database linking pupil characteristics to school and college learning aims and attainment information for all children in maintained schools in England.

Benefit figures come from the May 2011 National Benefits Database. The NBD collates information from a number of data sources on a range of benefits that are paid by DWP. The May extract is accurate up to May but it includes enough information from benefit claims after this date to be able to provide a reasonable estimate of the number of people in receipt of the main working age benefits on 8th August 2011.

### **Data sharing - legal and ethical issues:**

As with any data sharing, full consideration was given to the relevant legal and ethical issues before a decision was taken for the data sharing projects to proceed (there are two separate data shares; 1) between MoJ and DWP, 2) between MoJ and DfE) . All data sharing projects, such as these, which involve any sharing of personal and sensitive personal data within the meaning of the Data Protection Act 1998 need to be lawful, fair, justified and proportionate in order to comply with that Act and Article 8 of the European Convention on Human Rights. We are satisfied that these two projects and the terms on which they are conducted meet these stringent standards.

Extreme care is taken by MoJ, DWP and DfE to protect the personal data and ensure individuals are not identified through the data sharing process To this end a Memorandum of Understanding and Privacy Impact Assessment were agreed for each project. The Memorandum sets out in detail the terms on which each project is to proceed, including the safeguards to be put in place by MoJ, DWP and DfE regarding the use and storage of data for the purposes of the project. In particular, access to the data MoJ sent to DWP / DfE for matching was extremely restricted and the shared data is anonymised at the earliest opportunity. MoJ did not receive any such data back from DWP / DfE, only summary aggregated analysis which is presented in this publication.

Extreme care is taken by MoJ and DWP to protect the personal data and ensure individuals are not identified through this data sharing process.

There is a second stage to the data share (as covered by the Memorandum) where, once all cases have progressed through the courts the analysis will be repeated for convicted cases only. Any changes to the findings when the analysis is based on convicted cases only (expected to be March 2012 at earliest) will be shared and discussed with MoJ. DWP, DfE and MoJ will check the impact, if any, these changes have on policy development and will ensure that any revised findings are published accordingly.

## **Data matching process and results for adults (MoJ and DWP data)**

### **Summary:**

There were 1,344 adults who had appeared before the courts for offences in relation to the public disorder as of midday 28<sup>th</sup> September 2011.<sup>26</sup> 1,046 (or 78 per cent) of these individuals were successfully matched to benefit data held by DWP by matching MoJ records to DWP's National Benefits Database. The aim of the data share was to identify the benefit status at the time of the public disorder<sup>27</sup> for adults who had appeared before the courts for offences in relation to the public disorder.

### **Data matching process:**

The data matching was carried out in two phases to minimise the amount of personal data that needed to be transferred which made the data share as proportionate as possible.

#### **Phase 1:**

There is an existing data share in place between MoJ, DWP and HM Revenues and Customs (HMRC) (The Understanding Re-offending MoJ/DWP/HMRC data linking project) where MoJ records on offenders were linked to DWP and HMRC data on benefits and employment in order to improve the evidence base on the links between offending, employment and benefits<sup>28</sup>. A significant proportion (820 adults, or 61 per cent) of the adults who were brought before the courts in relation to the public disorder are already included in the existing data share so have already been successfully matched to DWP data – for these individuals, an anonymised unique identifier was securely transferred to DWP who then extracted the benefit status as at 8 August 2011. 51 of the 820 adults had no DWP identifier so it was not possible to extract benefit details for these individuals. The reason these individuals did not have a DWP identifier was because in the original datashare they only matched to HMRC information and do not have a DWP record. It is safe to assume that these individuals have not claimed DWP benefits.

#### **Phase 2:**

524 of the 1,344 adults are not included in the existing shared data between MoJ, DWP and HMRC therefore these needed to be matched to DWP records. The Ministry of Justice records contained surnames, forenames, dates of birth, gender and postcode. All of these variables are also included in the National Benefits Database (NBD). Data matching was achieved using a combination of exact matching on all supplied variables, matching using a reduced number of variables and 'fuzzy' matching of names.

### **Data matching results:**

Phase 1: The benefit status as at 8 August 2011 was successfully extracted for 769 of the 820 adults (or 94 per cent) who were already included in the existing data share between MoJ, DWP and HMRC.

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<sup>26</sup> Individuals were excluded from the data match (and therefore this analysis) if their court case had reached a final outcome by 28 September and the individual was not convicted (due to being found not guilty or the case being dropped by the courts)

<sup>27</sup> Benefit status as at 8 August 2011 was used to reflect benefit status at time of public disorder

<sup>28</sup> Findings from the Understanding Re-offending MoJ / DWP/ HMRC data linking project will be published later in 2011

Phase 2: 277 (or 53 per cent) of the 524 records that were included in the Phase 2 matching process were successfully matched to DWP records. Over 40 per cent of the successfully matched records were exact matches on all five variables included: surname, forename, gender, postcode, date of birth. All matches achieved were combinations of at least four of the five variables. This gives us confidence in the quality of the match.

Taking into account both matching phases, the overall match rate for this data share was 78 per cent  $((769 + 277) / 1,344)$ .

It is not possible to give definitive reasons for the 22 per cent of records that were unmatched – for example, was no match found because they had never claimed benefits and would therefore not be on DWP's National Benefits Database, or was it due to data quality issues that led to errors in data matching. It is likely to be a mixture of both of those reasons but these can not be quantified.

#### **Quality of data matching:**

The matched sample is broadly representative of the full 1,344 cohort of adults appearing before the courts in terms of age, ethnicity, gender and region although there are some differences, particularly with age and ethnicity.

#### Representativeness by age

When comparing the age distributions between the matched records and all 1,344 adult records, it appears that the 18-20 aged group is under-represented in the matched data; Around 35 per cent of records for this age group were not matched to DWP records (compared to the 22 per cent un-matched rate overall). This is to be expected however as students (the majority of which will fall into this group) will, most likely, not have made a benefit claim.

#### Representativeness by ethnicity

Two of the ethnic groups appear to be under-represented in the matched data; Chinese and other ethnic group and the Asian / British Asian group where approximately 40 per cent of records for those ethnic groups were not matched to DWP records. The high level of unmatched records for these groups could be due to fewer benefit claims being made by those groups and/or data quality issues which affect the match rate (for example, different spellings of names which affect the matching process). Care should be taken when interpreting these figures.

### **Data matching process and results for Young people (MoJ and DfE data)**

#### **Data matching process:**

The Ministry of Justice records contained surnames, forenames, dates of birth, gender and postcode. All of these variables are also included in the NPD. Data matching was achieved using a combination of exact matching on all supplied variables, matching using a reduced number of variables and 'fuzzy' matching of names and postcodes.

There were 465 10-17 year olds who had appeared before the courts as of midday 28<sup>th</sup> September 2011 and matching was achieved on 388 (83 per cent) of these.

The NPD includes a number of different datasets. Data matching was attempted against the School Census, the Pupil Referral Unit Census and the Alternative Provision Census followed by Key Stage 2 and Key Stage 4 attainment data.

Matching to the School Census involved searching through the latest (2010/11) School Census for a successful match then through previous School Census datasets where no match was found in the most recent dataset.

### **Data matching results:**

There were two young people who were successfully matched to the NPD, but were aged older than 17 years at the start of the 2010/11 academic year. These were excluded from the analysis included in the chapter. Hence, successful matching to those confirmed as 10-17 year olds at the start of the 2010/11 academic year was achieved on 386 (83 per cent) of the 465 records supplied.

All of the 386 matched 10-17 year olds had a valid School Census record and the large majority (83 per cent) of these were from the 2010/11 or the 2009/10 School Census (see Table 1). We have used 2010/11 as a comparative year for all pupils for the characteristics variables derived from the School Census.

**Table 1: School Census records of the 386 10-17 year olds appearing before the courts that were successfully matched to the National Pupil Database**

School Census	Number	Percentage
Total	386	100
2010/11	197	51
2009/10	125	32
2008/09	35	9
2007/08	15	4
2006/07	4	1
2005/06	6	2
2004/05	1	0
2003/04	0	0
2002/03	2	1
2001/02	1	0

The large majority (86 per cent) of the matched 10-17 year olds also had absence records from the latest available (2009/10) academic year and we have therefore used 2009/10 as a comparative year for all pupils. There were only five young people where a match was not possible. There were 18 young people with more recent absence data than the School Census in which they were originally found.

Around 28 per cent of the matched 10-17 year olds did not have an exclusions record (i.e. they were not excluded from any school during the period covered by exclusions data).

Table 2 shows that 94 per cent of the matched 10-17 year olds also had Key Stage 2 (KS2) records, with the large majority taking their KS2 tests in either 2004/05 or 2005/06. We have used 2005/06 as a comparative year for all pupils in the chapter as this is the median year of all those that had records.

**Table 2: Key Stage 2 records of the 386 10-17 year olds appearing before the courts that were successfully matched to the National Pupil Database**

KS2 year	Number	Percentage
Total	386	100
2010/11	2	1
2009/10	5	1
2008/09	11	3
2007/08	36	9
2006/07	58	15
2005/06	106	27
2004/05	135	35
2003/04	11	3
No match	22	6

Table 3 shows that 39 per cent of the matched 10-17 year olds also had Key Stage 4 (KS4) records, with the large majority taking their GCSEs in 2009/10. We have used 2009/10 as a comparative year for all pupils in the chapter.

**Table 3: Key Stage 4 records of the 386 10-17 year olds appearing before the courts that were successfully matched to the National Pupil Database**

KS4 year	Number	Percentage
Total	386	100
2009/10	138	36
2008/09	12	3
No match	236	61

## Glossary

**Authorised absence:** Absence with permission from a teacher or other authorised representative of the school. This includes instances of absences for which a satisfactory explanation has been provided (for example, illness). **Unauthorised absence:** absence without permission from a teacher or other authorised representative of the school. This includes all unexplained or unjustified absences. Arriving late for school, after the register has closed, is recorded as unauthorised absence. **Persistent absentees:** defined as having 64 or more sessions of absence (authorised and unauthorised) during the year, around 20 per cent overall absence rate.

**Average custodial sentence length (ACSL):** Average length of determinate custodial sentences given in months. This excludes indeterminate sentences (life or Imprisonment for Public Protection sentences) as the length of these sentences is not recorded.

**Bereavement Allowance:** A weekly benefit payable to widows/widowers without dependant children and payable between age 45 and pensionable age.

**Carer's Allowance (CA):** A non-contributory benefit for people:

- who look after a severely disabled person for at least 35 hours a week
- who are not gainfully employed (i.e. not earning more than £95 per week after certain deductions) and
- who are not in full-time education

The severely disabled person must be getting either the highest or middle rate of Disability Living Allowance care component, or Attendance Allowance, or a Constant Attendance Allowance at the maximum rate under the War Pensions or Industrial Injuries Scheme.

**Community sentence:** When a court imposes a community sentence, the offender doesn't go to prison. But the court says there are specific things the offender can, can't and must do while serving their sentence. The magistrate or judge will decide which combination of these 'requirements' will most effectively punish the offender for their crime, while also reducing the risk of them offending again.

**Disability Living Allowance (DLA):** Provides a non-contributory, non means-tested and tax-free contribution towards the disability-related extra costs of severely disabled people who claim help with those costs before the age of 65. DLA can be awarded for a fixed or an indefinite period.

**Discharge:** When the court decides someone is guilty, but decides not to punish them further at this time, they will be given a 'discharge'. Discharges are given for minor offences. An 'absolute discharge' means that no more action will be taken. A 'conditional discharge' means that the offender won't be punished unless they commit another offence within a set period of time (no longer than three years).

**Employment and Support Allowance (ESA):** Replaced Incapacity Benefit and Income Support paid on the grounds of incapacity for new claims from 27th October 2008.

**Fine:** Fines are the most common criminal sentence. They're usually given for less serious crimes that don't merit a community or prison sentence. They limit the

amount of money offenders have to spend. How much someone is fined depends on how serious a crime is, and the offender's ability to pay.

**Fixed period exclusion:** Refers to a pupil who is excluded from a school but remains on the register of that school because they are expected to return when the exclusion period is completed. **Permanent exclusion:** refers to a pupil who is excluded and their name removed from the school register. Such a pupil would then be educated at another school or via some other form of provision.

**Free School Meals (FSM):** A meal that is provided to a child or young person during a school break that is paid for out of Government funding. For a child to qualify for FSM, their parent or carer must be receiving particular eligible benefits as stated by Government.

**Immediate custody:** Prison sentences are given when an offence is so serious that it is the only suitable punishment. A prison sentence will also be given when the court believes the public must be protected from the offender. There are three different types of prison sentence: suspended sentences, determinate sentences (those having a fixed term) and indeterminate sentences (which have only a minimum term and include life sentences).

**Incapacity Benefit:** Replaced Sickness Benefit and Invalidity Benefit from 13th April 1995. It is paid to people who are assessed as being incapable of work and who meet certain contribution conditions. Incapacity Benefit was replaced by Employment and Support Allowance (ESA) for new claims from October 2008.

**Income Support:** Is intended to help people on low incomes who do not have to be available for employment. It can normally be claimed by people who are:

- aged 16 or over;
- not working or working under 16 hours per week (and/or with a partner working under 24 hours);
- not required to be available for full-time employment;
- and in receipt of insufficient income to meet prescribed needs.

The main types of people who receive it are lone parents, the long and short-term sick, people with disabilities and other special groups.

**Jobseekers Allowance:** Can be claimed by people who are available for and actively seeking employment, including those in remunerative work for less than 16 hours a week on average, and by people on a government training scheme.

**Key Stage 2 (KS2):** Key Stage 2 refers to the stage of the National Curriculum for pupils aged between 7 and 11 years (year groups 4 to 6). Pupils at KS2 generally sit their KS2 tests aged 11.

**Key Stage 4 (KS4):** Key Stage 4 refers to the stage of the National Curriculum for pupils aged between 14 and 16 years (year groups 7 to 9). Pupils at KS4 generally sit their KS4 exams (GCSEs and equivalents) aged 16.

**Maintained school:** A Government-funded school which provides education free of charge to pupils in either mainstream or special settings. Maintained schools are generally community schools, community special schools, foundation schools, foundation special schools, voluntary aided schools or voluntary controlled schools. Academies are not maintained schools although they are largely publicly funded and generally operate under similar rules to maintained schools under separate funding agreements with central Government.

**National Benefits Database (NBD):** The NBD collates information from a number of data sources on a range of benefits that are paid by DWP.

**National Pupil Database (NPD):** The NPD is a longitudinal database that holds the test and examination results at each Key Stage for all pupils at maintained and independent schools in England who partake in the tests/exams. It also includes pupil and school characteristics for maintained schools only.

**Nationality:** The nationality data are obtained from self reports of prisoners: this information is not checked by prison establishments before being entered on the Inmate Information System.

**NOMISweb:** [www.nomisweb.co.uk](http://www.nomisweb.co.uk) is a service provided by the Office for National Statistics that collates labour market statistics from official sources, including the DWP.

**Otherwise dealt with:** Includes a number of orders, for example hospital orders, confiscation orders and compensation orders.

**Out of work benefits:** Out-of-work benefits includes people on jobseeker's allowance (JSA), Employment and Support Allowance (ESA), Incapacity Benefits and Income Support (IS) but it does not count people whose primary benefit is Carer's Allowance

**Principal offence:** Where more than one offence is considered in a court case or cautioning occasion, the offence that would/did attract the most severe sentencing outcome is deemed to be the Principal offence and other offences also dealt with in that case would be ignored. If two offences in the same case attract the same sentence the offence with the statutory maximum sentence is deemed the 'Principal offence'.

**Provision for special educational needs:** Educational provision which is additional to that made generally for pupils of the same age in schools maintained by the local authority (other than special schools).

**School Action:** When a class or subject teacher identifies that a pupil has special educational needs and gives help that is extra to or different from that provided as part of the school's usual differentiated curriculum.

**School Action Plus:** When the teacher and the SENCO are given advice or support from outside specialists (the specialist teacher, an educational psychologist, a speech and language therapist or other health professionals). Extra or different help to that provided through School Action can then be put in place.

**Severe Disablement Allowance (SDA)** replaced Non-Contributory Invalidity Pension and Housewives Non-Contributory Invalidity Pension from 29 November 1984. Until April 2001, people who were incapable of work and did not satisfy the contribution conditions for Incapacity Benefit (IB) could get SDA.

**Special Educational Needs (SEN):** Pupils have special educational needs if they have learning difficulties that need special educational provision. They have learning difficulties if they find it much harder to learn than most pupils of the same age or they have disabilities that make it much more difficult for them in school.

**Statement of special educational needs:** A document that sets out a child's needs and all the extra help they should receive.

**Suspended sentence:** A court may give an offender a 'suspended' prison sentence if the time they would otherwise spend in prison is under 12 months. With a suspended sentence, the offender doesn't go directly to prison but they do have to meet conditions in the community, set by the court. These conditions can last for up to two years. If the offender breaks these conditions, or commits another offence, they will usually have to serve the original sentence in prison.

## Contacts

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