



The Michael Sieff Foundation

Working together for children's welfare

Media release

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Youth courts failing children, finds parliamentarians inquiry

A report published today by a cross party group of MPs and peers, calls for urgent reforms to the youth justice system following an in depth inquiry which found systemic failings and an inability to prevent youth offending.

The inquiry chaired by Lord Carlile CBE QC was launched amid growing concerns that criminal and youth courts do not, in their current form, effectively fulfill their principal aims of preventing youth reoffending and having adequate regard to the welfare of the child.

Based on wide ranging evidence the report finds that:

- Children's offending flows from a wide range of complex social, communication and mental health needs, which welfare services are failing to address; resulting in children 'falling' into the justice system. Once within the system, criminal courts do not possess the means to address their needs, which frequently continue to go undetected or are identified by chance due to a lack of effective assessment to identify their needs before children appear in court. **This leads to young defendants who are not engaged with, or have a limited understand of, the youth proceedings and ultimately fail to achieve justice.**
- Children are increasingly likely to appear in adult magistrates' courts when they are detained overnight and over the weekend. This frustrates the principle that children will be treated differently from adults in reflection of their young age and makes poor use of the resource of specialist youth courts. **It can also have grave consequences with the inquiry highlighting the tragic case of a 17 year old girl who committed suicide after appearing in an adult magistrate court.**
- There is a lack of specialist professionals throughout the youth justice system, with many practitioners, including the judiciary, insufficiently trained to recognise young offender's needs, and lacking knowledge specific to young defendants and youth court law. The youth court is often used as a place for junior legal practitioners to 'cut their teeth', with youth court law mistakenly perceived to be less complex and less important than adult court law. **This results in poor representation, needs not being identified and inappropriate sentences being advocated.**
- Legal professionals are struggling to reach a consensus on the core purpose of the youth court; with conflicting emphasis placed on preventing youth offending, considering the welfare needs of the child and achieving justice. The court's focus on determining innocence or guilt and sentencing, rather than taking a holistic, joined-up approach to tackling the underlying issues behind the offending behaviour, is one of the main obstacles to preventing reoffending. **One senior practitioner told the inquiry: 'Our focus on punishment rather than problem solving contributes to our high levels of reoffending'.**

- The Crown Court is inappropriate for children. Its intimidating nature and lack of youth specific expertise was said to prevent effective sentencing and participation and, ultimately, **contravene the rights of children to a fair trial.**
- There is wide support for a consistent ‘diversion’ process. Contact with the criminal justice system can increase offending whereas diversion, when implemented consistently, prevents children entering the criminal courts system. **Children are continuing to ‘slip through the net’ and ending up in court unnecessarily.**

The report sets out a number of recommendations for reform. These include:

- Her Majesty’s Courts and Tribunal Service direct all magistrates’ courts to introduce a rota system, to ensure that a senior youth magistrate or youth ticketed District Judge is always sitting in the adult magistrates’ court when the youth court is not in session
- Children who have committed non-serious and non-violent offences, who have stopped offending, should have their criminal record expunged when they turn 18.
- All legal practitioners representing children at the police station and practising in youth proceedings be accredited to do so.
- There should be a clear presumption – in law – that all child defendants are dealt with in the youth court.
- The piloting of a problem solving approach in court for children, which would include judicial monitoring and continuity in cases, and powers to ensure children’s underlying needs are met.
- Building upon the existing referral order to place greater emphasis on the involvement of victims as well as the participation of families and wider support services to enable the process to address the harm of the offence as well as its underlying causes. The ‘Problem Solving Conference’ would be available to under-16s coming to court and should be initially piloted.

Lord Carlile CBE QC, chair of the inquiry, said:

‘Although much good practice has developed over the years in relation to crime committed by children, we found that the youth justice system is far from being fit for purpose. Too often children are being left to flounder in court with little understanding of what is happening to them. Nowhere is this disengagement and lack of comprehension more obvious than in the Crown Court. Even with determined special measures to make the court more child-friendly, there is strong evidence that an appearance in the Crown Court for a child is a negative and terrifying experience. Where possible, children should not be taken before a court and Crown Court appearances for under-18s should be the rare exception.’

Enver Solomon, Director of Evidence and Impact at the National Children’s Bureau, which provided the secretariat for the Inquiry, said:

‘This is one of the most wide ranging and important inquiry reports on youth justice that has been conducted for many years. It sets out important reforms that must be taken forward if the youth justice system is to ensure that resources are not unnecessarily wasted on processing children through the courts in a way that fails to ensure they do not go on to become the criminals of the future. It merits urgent attention by all political parties to bring forward new approaches that are well evidenced and will deliver far better outcomes for child defendants, victims and their families.’

John Tenconi, chair of the Michael Sieff Foundation, which supported the inquiry said:

‘The Michael Sieff Foundation is delighted that the Inquiry has reported and made recommendations which should lead relatively quickly to effective changes to the way that criminal and youth courts can effectively fulfill their principal aims of preventing youth re-offending and have adequate regard to the welfare of the child. This could be an important step in preventing the well recognized cycle of re-offending and criminalization of children.’

Graeme Kleiner, on behalf of the Trustees of The Dawes Trust said: “The Trustees of the Dawes Trust were pleased to be able to support this inquiry into the operation and effectiveness of the Youth Court and the recommendations made by it”.

Notes to Editors

For more information contact the National Children's Bureau's media office on 0207 843 6045 / 47 or email media@ncb.org.uk. For urgent enquiries out of office hours call 07721 097 033.

About the inquiry

The Parliamentarians' Inquiry into the Operation and Effectiveness of the Youth Court which was supported by the Michael Sieff Foundation and the Dawes Trust was launched in September 2013 to explore:

- The effectiveness of diversion from the criminal court system;
- The extent to which children's services in England (and social services in Wales) are engaged in meeting the welfare needs of children who offend;
- The competence of practitioners in youth proceedings;
- The appropriateness of the Crown Court for young people;
- The extent to which youth proceedings are operating effectively under the two principal statutory aims of the youth justice system: to reduce offending and have regard to the welfare of the child.
- Whether there are there viable alternatives to the criminal courts system for children and young people
- The views and experiences of young people who have been through the criminal courts

The inquiry heard from more than 40 witnesses. This included two focus groups with young people with experience of the youth court and Crown Court. It also received 55 written submissions from a wide range of individuals and organisations, including practitioners, academics and policy makers. The written and oral evidence was supplemented by observation of a (London) youth court sitting and a visit to a Secure Training Centre.

The inquiry panel was made up of:
Lord Carlile of Berriew CBE QC (Chair)
Robert Buckland MP
Sarah Teather MP
Dame Angela Watkinson DBE MP

Lord Bach of Lutterworth
Baroness Greengross of Notting Hill OBE
Baroness Lane-Fox of Soho CBE
Lord Ponsonby of Shulbrede, JP

About the Michael Sieff Foundation

The Michael Sieff Foundation is a registered charity which has been at work since 1987. The Foundation is dedicated to improving policy and practice for the well-being of children and young people by bringing together people with wide ranging responsibilities for vulnerable children and young people.

The Foundation will consider promoting and sponsoring with other funding bodies collaboration on matters of policy development and implementation of issues relating to children and young people.

Its web site provides a resource for the holding of material presented at its conferences and seminars for over 27 years.

www.michaelsieff-foundation.org.uk

About the National Children's Bureau

The National Children's Bureau (NCB) is a leading charity that for 50 years has been improving the lives of children and young people, especially the most vulnerable. We work with children and for children, to influence government policy, be a strong voice for young people and practitioners, and provide creative solutions on a range of social issues.

www.ncb.org.uk