



The Michael Sieff Foundation

Working together for children's welfare

Submission in respect of the Court Closures consultation by The Michael Sieff Foundation

9 October 2015

This is a response to the HMCTS Consultation on Court Closures from the Michael Sieff Foundation. The Foundation has been engaged in bringing people together to discuss youth justice for the last 15 years as part of a longer programme of examining child welfare over 30 years.

The Foundation was responsible, jointly with the National Children's Bureau, for setting up the Independent Parliamentarians' Inquiry into the Operation and Effectiveness of the Youth Couth under the chairmanship of Lord Carlile of Berriew. Their Report was published in June 2014 (the Carlile Inquiry Report).

A copy of that report is attached for convenience. Since the publication of the Report The Foundation has continued to work with Lord Carlile and other leading figures in the youth justice field to bring about implementation of the Report's recommendations. The Foundation has also held discussions with the Judicial Lead for Youth Justice, the Youth Justice Board, the Magistrates' Association, the Justices' Clerks Society, the Probation Inspectorate, the Association of Directors of Children's Services, the Law Society, the Centre for Justice Innovation, District Judges, the Chief Social Worker, and those working in the Family Drug and Alcohol Court System.

The Foundation wishes to draw attention specifically to page 56 of the Report, which states:

- *We recommend the piloting of a problem-solving approach in a small number of youth courts, with a view to rolling this out across England and Wales. The elements of such courts are: judicial monitoring, addressing the link between underlying needs and offending, multi-disciplinary team working, and consensual decision-making. Piloting should begin by the Ministry of Justice within the next year. The following action would be required:*

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- *Criminal Justice and Immigration Act 2008 (Schedule 1, paragraph 35) should be brought into force to enable courts to review youth rehabilitation orders to check on children's progress, amend sentences where necessary and ensure partner agencies are providing the required support to aid desistance.*
- *Bench continuity should be introduced so at least one member of the same bench (likely the bench chair) is present throughout each case. This would not require legislation.*
- *The power to convene youth courts outside court buildings to promote localism, ease of attendance and more collaborative decision-making.*
- *The implementation of s.37 Children Act 1989 and provision of broader powers to the youth court to enable it to order children's services and partner bodies to provide support to children in need.*

The Foundation believes that the idea of convening youth courts outside court buildings should be considered independently of and in addition to any debate about piloting a problem solving approach in youth courts. The use of public buildings in a local area could reduce the need for defendants to travel long distances. Magistrates, lawyers and court staff could be locally available. These arrangements should reduce cost across the board.

At present young defendants can too easily be appearing at venues where they mix with adult defendants, a practice which is widely considered to be to their detriment, contributing to the risk of further criminalisation. The use of venues not associated with the criminal legal system should in appropriate cases should promote the welfare approach of the youth justice system.

Richard White

Secretary, the Michael Sieff Foundation

9 October 2015

Attached to the submission were:

The Carlile Inquiry Report

http://www.michaelsieff-foundation.org.uk/content/inquiry_into_the_operation_and_effectiveness_of_the_youth_court-uk-carlile-inquiry.pdf

A list of relevant conferences organised by the Michael Sieff Foundation

<http://www.michaelsieff-foundation.org.uk/content/youth-justice-conferences-help-by-michael-sieff-foundation.pdf>