

Young People & the CJS

A guide for Service Providers

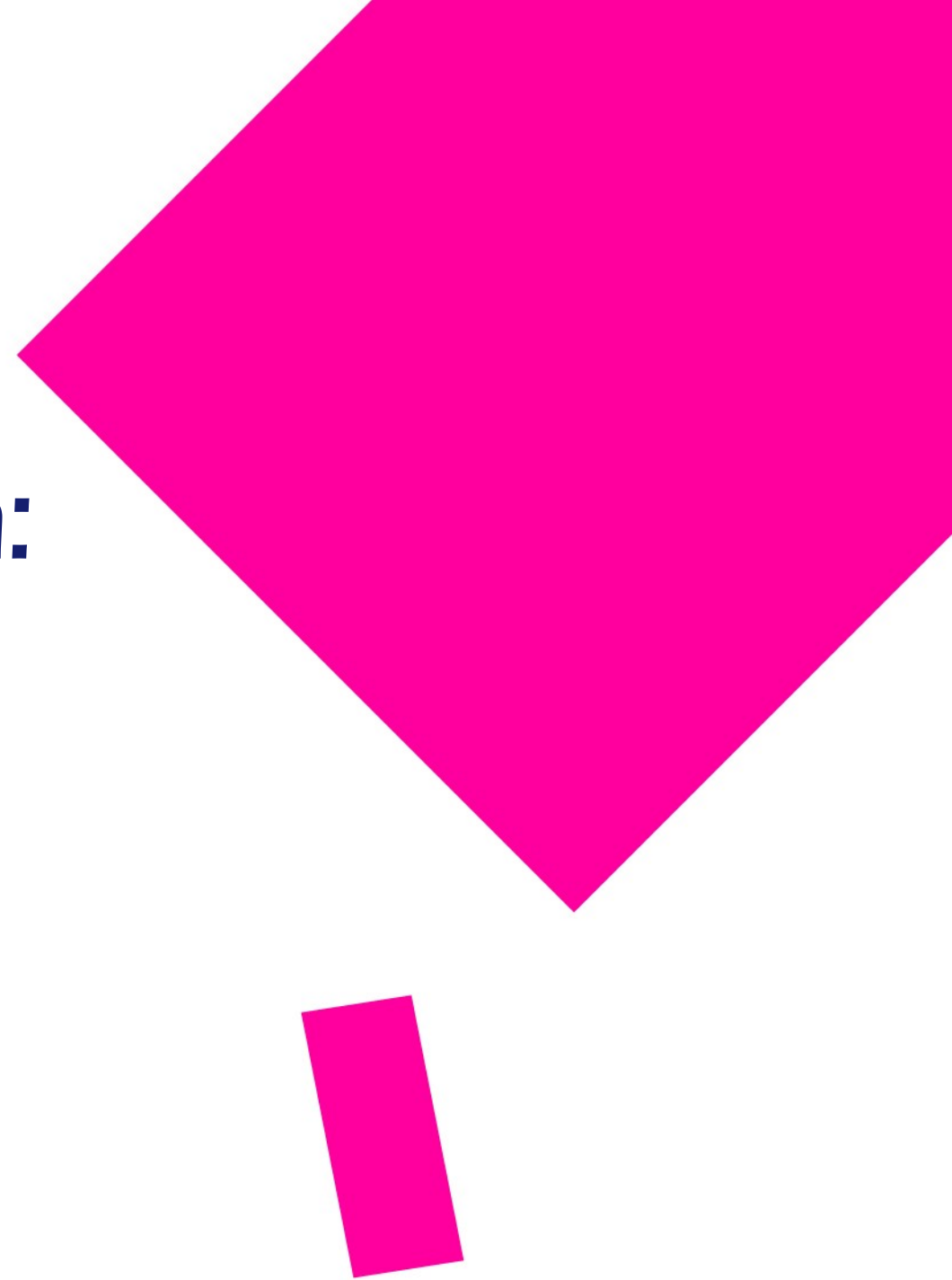


Bridging the gap between:

-The legal “system”

-The community

-Those directly impacted





EMPOWER: young people to understand the law & their rights

ACCESS: facilitate understanding and access to the 'system'



NAVIGATE: help young people find their way through the process to allow meaningful engagement

WHY is Empower* Access* Navigate* important?

- Fundamental to the rule of law
- Protection of rights for all
- Justice
- Meaningful engagement with the system
- Confidence in the system
- Legitimacy of the system
- Mistrust – Us vs Them narrative
- Cohesion



Improving Access to the Youth Justice System

Youth Court Overview: Principles

- Principle aim of the youth justice system is to prevent reoffending
- Welfare of the young person is paramount
- Those aged between 10-17
- Those under the age of 16 must be accompanied by an adult unless court thinks it unreasonable. YOT expected to make every effort
- Magistrates'/District Judges, specialist training
- Generally youths must be tried & sentenced in the youth court. Be aware of exceptions (e.g. insufficient sentencing powers/jointly tried with an adult)

Youth Court Overview: **Format**

Differences to adult court in terms of format e.g:

- **Sit next to lawyer/adult.** Secure dock only in appropriate circumstances
- **Sit down** for proceedings
- Magistrates' will **address the young person directly**
- **Approach & language** should be modified. Ensure engagement
- **Consideration** to be given to background/circumstances that may impact engagement with proceedings
- Particular consideration re **looked after children**

Youth Court Overview: Procedure

Beyond the scope of this presentation, but to be aware of:

- Different rules when it comes to **bail**
- Youth cases in the Crown Court- e.g. **grave crimes/jointly charged with adult/ dangerous provisions**
- **Allocation** procedure flowchart p43 Youth Bench Book 2017
- **Sentencing:** specific rules/guidelines

Youth Court Overview: Sentencing

- Court MUST have regard to **welfare** and the **principle aim of the YJS, preventing reoffending**
- Seriousness of the offence is still starting point, however approach to sentencing should be individualistic
- **Rehabilitation** focused
- **Consider underlying factors** contributing to offending behaviour
- Custodial sentence is a **measure of last resort**, where offence so serious that no other sanction is appropriate
- **Avoid criminalisation** of young people
- Aim of YJS: take **responsibility** & promote **re-integration**
- **Impact on education**

Youth Court Overview: Welfare

Sentencing courts should be alert to:

- Any **mental health** problems or **learning difficulties/disabilities**;
- Any experiences of **brain injury** or **traumatic life experience** (including exposure to drug and alcohol abuse) and the developmental impact
- Any **speech and language difficulties** and the effect this may have on the ability to communicate with the court, to understand the sanction imposed or to fulfill the obligations resulting from that sanction;
- The **vulnerability to self harm**, particularly within a custodial environment; and
- The effect of **experiences of loss and neglect and/or abuse**.

Youth Court Overview: **Background**

- Deprived homes
- Poor parental employment records
- Low education attainment
- Experience of offending by other family members
- Abuse/neglect
- Negative peer associations
- Drugs/alcohol misuse
- Court should information/assessment to ensure appropriate sentence

Youth Court Overview: Particular Consideration

- **Looked after children**
 - Additional complex vulnerabilities
- **Young people from BAME groups**
 - Overrepresented/discrimination/negative experiences of authority
- **Vulnerability**
 - Sentencers to be aware of which disposals which exacerbate underlying issues. Self harm risk
 - Impact of this on offending behaviour itself

Practical Steps

- **Establish trust & communication**
 - **Insight into particular biases**
 - **Empathy & understanding**
 - **Accessible language & ensure understanding**
 - **Involve parent/guardian- ensure communication**
 - **Guide through process – what to expect. Court process**
 - **Gather all relevant information to assist with bail & sentencing**
 - **Mitigation: references/updates on progress of current orders**
 - **Attend court with the young person/facilitate attendance**
 - **Explain proceedings/outcomes**
- 

How can we empower young people and facilitate access to & navigation of the system?

- “Know your rights”
- Public legal education
- Signposting to other services
- Information sharing
- Building coalitions & networks
- Closer work between “community” sector & legal practitioners
- Looking outside of the box beyond black letter law
- Investing in relationships/rapport building
- Understanding of social/political/economic context/background/life experience
- Compassion & empathy

The Need to Support, Build & Organise

Combatting knife crime

Gang affiliations

Expansion of stop & search

Counter-terrorism & “suspect communities”

Just for Kids Law

Youth Justice Legal Centre

Howard League

Stop Watch

Y Stop

MEND

Legal Action Group

Youth Justice Resource Hub

The Advocate’s Gateway

Resources

Youth Justice Bench Book
2017

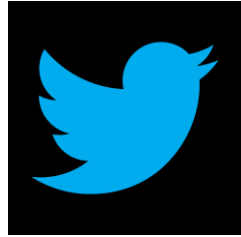
Judicial College Equal
Treatment Bench Book
Ch5 'Children and
Vulnerable Adults'

Magistrates' Association
Court Protocol

Howard League 'Children &
Sentencing'

Sentencing Children &
Young People 2017

@zeenat_islam



Zeenatislam



Zeenat Islam



学

学

学