

# Parliamentary briefing paper

# Youth Justice

Children in trouble with the law share identical characteristics and risk factors with those children deemed to be 'in need', a point well illustrated in a recent report from the Scottish Children's Reporters Administration.<sup>1</sup> We should also note that children and young people are more likely to be the victims of crime as well as perpetrators and are themselves concerned about crime and antisocial behaviour. Those children who end up in the criminal justice system are among the most disadvantaged and come from the poorest families and communities. We know that for many children, petty crime is part of growing up, as are other forms of rebellious and testing behaviour, and that most of them will 'grow out' of all of these behaviours. But for

some children, growing out of offending is more difficult and the long-term costs to them, their families and communities are devastating. We know that sending children to custody is ineffective – eight out of ten will re-offend within two years of release<sup>2</sup> – and can further damage already damaged children. We need to move away from talking about 'hard' and 'soft' options and should concentrate on what is most effective in preventing and reducing youth crime.

Barnardo's works with children, families and their communities to support them in both youth crime prevention and effective interventions to help children change their offending behaviour.



**Barnardo's**

GIVING CHILDREN BACK THEIR FUTURE

## Youth crime in the UK – the facts.

- The incidence of youth crime has not increased in the last five years,<sup>3</sup> in contrast, however; the use of custody for children has risen dramatically – by around 90% in England and Wales between 1992 and 2001.<sup>4</sup>
- The majority of offences committed by children are not violent or sexual in nature.
- Eighty-eight per cent of children in custody in England and Wales are held in prison department units.<sup>5</sup>
- Fourteen children aged 15-17 have died from self-inflicted deaths in custody since 1998.<sup>6</sup>

### The characteristics of children who end up in custody demonstrate the degree of disadvantage and damage they have experienced:

- Up to 41% will have some history of being in care.<sup>7</sup>
- Up to a third will have had no educational provision prior to being sentenced.<sup>8</sup>
- Almost half have literacy levels below that of an average 11 year old.<sup>9</sup>
- Two fifths of boys and a quarter of girls reported having experienced violence at home.<sup>10</sup>

## What the UN Convention on the Rights of the child says about children in trouble with the law

- Recourse to judicial proceedings and institutional placements should be avoidable wherever possible – Article 40
- The arrest, detention or imprisonment of a child shall be used only as a measure of last resort and for the shortest appropriate period of time – Article 37
- Every child alleged or proven to have committed an offence, shall be treated in a manner:
  - consistent with the promotion of the child's sense of dignity and worth
  - which reinforces the child's respect for the human rights and fundamental freedoms of others; and
  - which takes into account the child's age and the desirability of promoting the child's reintegration and the child assuming a constructive role in society – Article 37.

- One in three girls and one in twenty boys reported suffering sexual abuse of some form.<sup>10</sup>

- As many as 85% have some sort of mental health problem.<sup>10</sup>

### The UK nations have differing responses and legislation for dealing with youth justice and as a result differing results for children in trouble:

- In Northern Ireland there are approximately 200,000 children aged 10 to 17,<sup>11</sup> and 880 were sentenced for criminal offences. Of these less than 1% were sentenced to detention in a Juvenile Justice Centre (secure provision).<sup>12</sup> The Youth Justice Agency has adopted a restorative justice approach to youth crime and emphasises partnership methods for crime prevention and reduction.
- In Scotland there are over 500,000 children aged between 10 and 17.<sup>13</sup> The Children's Hearings system deals with children in trouble up to age of 16 and there are no prison department custodial units for children under this age. Four hundred and fifty 16 and 17 years olds were sentenced to custody in 2003.<sup>14</sup>
- In England and Wales the 2003 population of 10 to 17 year olds was approximately 5.4 million and 300,000 respectively<sup>15</sup>; 92,531 young people were given sentences in court, of which 6,200 were custodial.<sup>16</sup>

### Antisocial behaviour is an increasingly political issue in the administrations in all four nations.

- In England and Wales the first antisocial behaviour legislation was passed in 1999 and powers were added and strengthened in the 2003 Anti-social Behaviour Act. The powers affecting children include Anti-social Behaviour Orders (ASBOs), fixed penalty notices, mass curfew, dispersal of groups (two or more) and 'naming and shaming' – allowing details of children as young as 10 to be published in the media, and in leaflets and posters when they are made the subject of an ASBO. Between June and December 2002, 478 ASBOs were made against young people. Of these, 170 (36%) were breached, resulting in 71 custodial outcomes.<sup>17</sup> The conditions of ASBOs made on children give cause for concern; many of them appear to be very lengthy (almost all banning orders are for two years or more) and some are almost 'undoable', for example three brothers were given lifetime bans from a town centre. Some of the conditions are actually counterproductive – a young man banned from being with a peer who attended the same college course, whilst another young man was banned from the area of town in which his drug rehabilitation treatment was located.

- In Scotland the Anti-social Behaviour Act was not passed until 2004. It does not include curfew powers but does introduce electronic monitoring, and the impact is yet to be established.
- Whilst Wales is covered by the same legislative framework as England, the Welsh Assembly has produced the All Wales Youth Justice Strategy.
- In Northern Ireland the Anti-social Behaviour (Northern Ireland) Order has not yet been implemented but is likely to incorporate the same powers as contained in the English and Welsh legislation. There is particular concern about the 'naming and shaming' provisions.

## The reality for children and young people

**'They (the police) should know about where people live. The police are good here, they know about where we live and what the problems are'** *13 year old Scotland*

**'Better places for homeless young people, not hostels, it's hard to keep off drugs and out of trouble when you live in a really crap place, I have to be out between 9am and 5pm and there's nowhere to go and nothing to do'** *16 year old North West*

**'I'd like there to be more justice for young people, we're all portrayed as criminals but the reality is we're not'** *17 year old London*

**'Can we have more police on the streets – real ones not wardens'** *17 year old London*

**'There should be more youth groups for young people so it stops them getting into trouble'** *12 year old Wales*

**'Spend less on jail and more on stopping crime and getting people off drugs'** *16 year old North West*

## What Barnardo's is doing in the area of youth justice

Barnardo's believes that everyone has the right to live in a safe and decent community. We are aware of the unhappiness, fear and economic cost that ingrained criminal and antisocial behaviour brings to communities and particularly to the most vulnerable residents, including children and young people. It is often in communities experiencing extreme poverty, economic hardship and a poor environment that criminality and antisocial behaviour have the most debilitating effect.

Barnardo's provides services throughout the UK for young people at risk of, and involved in, offending or antisocial behaviour. These services range from:

- prevention and early intervention by way of parenting support, youth inclusion programmes and out of school activities
- alternative to custody programmes
- specific and specialist support services such as Bail and Remand fostering and provision of counselling services in a young offender institution
- specialist services such as those for children who sexually harm others
- youth support services and training schemes.

These services work with young people, their families and communities to support the young people to change their behaviour and address the circumstances that contribute to the criminal and antisocial behaviour.

Our community projects also work to bring different sections of communities together to address their differences and find solutions that improve the quality of life for all.

We believe that preventative approaches, which foster communication and respect and that lead to the creation of communities that are strong and safe for all, are more effective in dealing with youth crime and antisocial behaviour than the punitive approach currently in vogue.

## The way forward

To address the problems of antisocial behaviour and youth crime, Barnardo's believes that:

- More resources should be invested in effective community-based services.
- Measures should be put in place to ensure that custody for children is always a last resort, in compliance with Article 37 of the UN Convention.
- There should be real consideration given to reviewing and raising the age of criminal responsibility.
- Prevention and early intervention services should not be linked to the criminal justice system.
- The impact of antisocial behaviour legislation in England and Wales should be evaluated, in particular whether breaches of ASBOs are resulting in more children in custody.
- There should be a comprehensive review of all legislation relating to children to ensure that children in trouble are seen primarily as children in need.

## Contact Details

Nation	Contact	Telephone	Email
England/UK	Neera Sharma	020 8498 7729	neera.sharma@barnardos.org.uk
Scotland	Tam Baillie	0131 314 6668	tam.baillie@barnardos.org.uk
Wales	Andy James	01792 463 357	andy.james@barnardos.org.uk
Northern Ireland	Margaret Kelly	02890 672 366	margaret.kelly@barnardos.org.uk
Parliamentary enquiries	Jo Ward	020 8498 7730	jo.ward@barnardos.org.uk

## References

1. Gault, I (2003) *Study on youth offending in Glasgow*. Stirling: Scottish Children's Reporter Administration [http://www.scra.gov.uk/documents/Youth\\_Offending\\_Study.pdf](http://www.scra.gov.uk/documents/Youth_Offending_Study.pdf) (accessed 22 March 2005)
2. Committee of Public Accounts (2004) *Fortieth Report. Youth Offending: the delivery of community and custodial sentences (HC307)*. The Stationery Office.
3. Audit Commission (2004) *Youth Justice 2004: a review of the reformed youth justice system*. Audit Commission
4. NACRO (2003) *A failure of justice: reducing child imprisonment*. NACRO
5. International Centre for Prison Studies (2003) *Prison brief for the United Kingdom: England and Wales*. London: King's College
6. *House of Commons Hansard* 7 Jan 2003 : Column 142W
7. Hazel, N et al. (2002) *Detention and training: assessment of the Detention and Training Order and its impact on the secure estate across England and Wales*. Youth Justice Board
8. NACRO (2003) *Counting the cost: reducing child imprisonment*. NACRO
9. Audit Commission (2004) *Youth Justice 2004: a review of the reformed youth justice system*. Audit Commission
10. Social Exclusion Unit (2002) *Reducing re-offending by ex-prisoners*. London: Office of the Deputy Prime Minister
11. National Statistics (2003) *Census for 2001: key statistics for local authorities in England and Wales*. TSO
12. Lyness, D, McEneaney, R and Carmichael, M (eds) *Digest of information on Northern Ireland criminal justice system 4*. Northern Ireland Statistics and Research Agency
13. National Statistics (2003) *Census for 2001: key statistics for local authorities in England and Wales*. TSO
14. Scottish Executive (2003) *Prison statistics Scotland, 2003, Statistical Bulletin: Criminal Justice Series, CrJ/2004/6* <http://www.scotland.gov.uk/stats/bulletins/00356.pdf> (accessed 30 March 2005)
15. National Statistics (2003) *Census for 2001: key statistics for local authorities in England and Wales*. TSO
16. Home Office (2005) *Sentencing statistics 2003: England and Wales. Home Office Statistical Bulletin 05/05*
17. Youth Justice Board (2004) *Business meetings*. <http://www.youth-justice-board.gov.uk/NR/rdonlyres/2A757E27-0725-47E8-98EE-3BA3200E0C5C/530/OctNovBusinessMeetingsMorningPresentation.ppt> (accessed 30 March 2005)