

THE MAGISTRATES' ASSOCIATION

YOUTH COURTS COMMITTEE

RESPONSE

Children and Young People Health and Social Care Strategy - Healthier children, safer communities – a strategy to promote the health and well-being of children and young people in the youth justice system

Thank you for giving the Magistrates' Association the opportunity of commenting on this important document.

We welcome this document and particularly the emphasis it places on the need for the various agencies to work together in support of children and young people, especially those who have become involved in the criminal justice system.

We agree with the statement (**page 7**) that, “considering children and young people in contact with the YJS as children first and offenders second will assist in developing a coordinated response to their health and well-being needs. This is the right approach for them and the right approach for the community.” Magistrates trained to sit in youth courts are well aware that young people lack the maturity of thought of adults, and this is one of the major factors we take into account when determining the most appropriate sentence for a particular offender.

Magistrates are also (**page 17**) “concerned at the possibility of continuing conflict between the performance targets set for different services.” We feel that many of these targets have unintended and undesirable consequences, which can be detrimental to the young people.

We strongly agree (**page 18**) that there is a “need to tackle the lack of corporate responsibility for children and young people in contact with the youth justice system and the lack of clarity about the different responsibilities of each agency to ensure that the most vulnerable and damaged children enjoy consistency and continuity of service provision”.

We are **particularly concerned** with the statement (**page 20**) that “the LA and PCT in which children are placed in secure settings have joint responsibility with the child's home LA and PCT.” We feel strongly that one specific individual should take overall responsibility for the well-being of these extremely vulnerable young people, and this person should be based in the “host” location, because he/she will have the necessary contacts, which may be required as a matter of urgency. Of course the “donor” LA and PCT should be fully consulted and informed, but the overall responsibility must rest with the “host”. Any other arrangement, with no overall responsibility, is a recipe for disaster. We agree that these children and young people should remain as close as possible to their home area, but recognize that, unfortunately, this is sometimes a counsel of perfection.

Alcohol is an enormous problem, in many respects. We agree (**page 42**) that “excessive drinking of alcohol is one of the key factors associated with offending and is specifically associated with violent crime” and we feel that there is an urgent need “to develop a national

consensus on young people and drinking.” On the one hand we do not wish to involve young people in the criminal justice system, and give them a criminal record for life, if this can be avoided. But on the other hand we feel that society needs to address the culture of binge drinking, and the adverse effects it has on the health of the young people and the well-being of their families, friends and community. An **urgent and honest national debate** is required to decide where the balance should lie.

With reference to the section on **the courts (page 54)**, the Youth Courts Committee of the Magistrates’ Association is **optimistic** that the imminent Youth Rehabilitation Order (YRO) will provide a very successful “bespoke” method of sentencing young offenders. But we agree that it is “vital that courts receive detailed and accurate information on health and well-being needs, and on the plan for meeting those needs, in order to inform their decision about the most appropriate sentence for the child or young person”, and this will require **adequate resources**. We agree that there is a “gap in knowledge held by judges, magistrates, lawyers and court staff about issues such as speech, language and communication difficulties, autistic spectrum disorders, ADHD and learning disability” and this clearly indicates that **appropriate training** is required.

Unfortunately we agree (**page 55**) that “there is a lack of clarity about the funding responsibilities when children in secure settings require specialist health support but are placed outside their home area” and that “as in the community, and linked to commissioning problems, there is underdeveloped support for children and young people with learning disabilities and speech, language and communication difficulties.” We also agree that “it is a cause of great concern that the YJB has not been able to meet its target of placing children and young people within 50 miles of their home.” These problems need to be addressed at senior level, with a considerable sense of urgency. Petty divisions need to be set aside in the interests of these very vulnerable and unfortunate young people.

We agree (**page 69**) that “there are particular consequences of poor assessments for children and young people in the YJS. If the courts are ill informed about health and well-being needs, they are hampered in taking these factors into account when sentencing or remanding young people to custody, particularly for court-ordered secure remands.” But this will require **adequate resources** to be corrected.

Finally, two specific comments. With reference to **page 13**, we are in favour of keeping the “pen pictures” throughout this document. And referring to **page 17**, we feel that transferring health responsibility for all secure settings to PCTs should be achieved before the end of 2009.

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