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Response to	<b>Revised national standards for children in the youth justice system 2019</b>
Issued by	<b>Youth Justice Board</b>
Link to consultation	<a href="http://www.gov.uk/government/consultations/revised-national-standards-for-children-in-the-youth-justice-system-2019">www.gov.uk/government/consultations/revised-national-standards-for-children-in-the-youth-justice-system-2019</a>
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## Introduction

The Magistrates Association (MA) welcomes the opportunity to comment on the Youth Justice Board's revised standards for children in the justice system. An appropriate framework of national standards - setting out key expectations for those carrying out service provision in the youth justice system - is crucial in ensuring effective outcomes for children, and is also beneficial in promoting confidence amongst sentencers.

In responding to the call for feedback, we have limited our comments to the following areas:

## Court reports

Within the document's section on *at court* standards, we welcome the inclusion of a clear expectation for YOT services to provide suitable high-quality YJB approved assessments/information and reports to all courts dealing with children. However, we note that the guidance makes very limited reference to expectations in relation to the use of parenting orders.

Given that the court has a duty to consider a parenting order as part of the sentencing exercise<sup>1</sup>, it is of significant value to sentencers for reports to the court to include detail on the need for and/or appropriateness of such orders. Whilst we appreciate that it would be out of scope for this consultation to suggest a new requirement for YOT reports to include this detail (in that the standards only seek to re-state existing requirements) we would welcome a greater acknowledgement of parenting orders in the guidance more generally. For example, we note that the existing 2013 guidelines outline specific responsibilities for YOTs in enforcing parenting orders, which are not replicated or referred to in this revised version.

## Terminology

We note that the document often refers to "the child" or "children", and that the glossary specifically refers to "children" as anyone under the age of 18. While we acknowledge that this definition is of course factually correct, we would suggest that there may be merit in making use of the more widely recognised "child or young person", or to clarify in the document that those between the ages of 14

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<sup>1</sup> <https://www.judiciary.uk/wp-content/uploads/2016/10/youth-court-bench-book-august2017-v2-140318.pdf>

and 17 may be more appropriately referred to as “young people”. We appreciate that the document is not intended for use by children and young people themselves, but feel that it is important to encourage consistency in the use of such terminology. The term “child” can of course have emotive connotations - particularly when used in reference to teenagers approaching adulthood - and can be counter-productive to any efforts to engage with and empower a young person within the youth justice system.

### **The transition to a condensed set of functions**

We acknowledge the rationale given for revising the national standards, which as is explained in the document is intended to be reflective of the maturity of the youth justice system, as well as the YJB’s transition to outcomes focused oversight. We would however like to echo concerns that have been made by others regarding the risks of using a more condensed set of functions, which potentially allow for a much broader interpretation of requirements by service providers. This could result in inconsistent provision with some fundamental requirements not being fully met.

By their nature, the existing 2013 guidelines offer a much wider range of assurances, with more extensive and specific guidance across a variety of areas - such as bail and remand management, different types of court reports and specific court orders. While there is of course merit in updating and rationalising this content to reflect latest legislation, and in providing a more concise and potentially more accessible set of guidelines for practitioners, it seems regrettable that much of the often useful detail has been lost in the transition. We are aware that links to operational guidance will be made available to the reader, but there is also a danger that a reader will rely solely on the information that is most prominently presented in the document, without considering the full requirements.

The MA would therefore have welcomed an approach where an updated version of the 2013 guidelines was developed using a similar format, potentially with an accompanying outcomes focussed document with condensed standards.

We would also note that the links to operational guidance are yet to be finalised in the current draft, so it is not possible to comment on how well the document signposts readers to more detailed wording, where needed.