

State of Children's Rights in England 2017



Children's
Rights Alliance
for England



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Briefing 8 Policing and Criminal Justice



Briefing 8

Policing and Criminal Justice

Article 15 Children have a right to meet together and to join groups and organisations, as long as it does not stop others from enjoying their rights.

Article 16 No child should be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence.

Article 19 Children have a right to be protected from all forms of violence.

Article 37

- No child should be subjected to cruel, inhuman or degrading treatment or punishment
- Children who commit offences should not be imprisoned for life
- The arrest, detention or imprisonment of a child shall be used only as a last resort and for the shortest appropriate period of time
- Every child deprived of liberty shall be treated with humanity and in a manner that takes into account his or her needs. Children should be kept separate from adult prisoners. They have the right to maintain contact with their family
- Every child deprived of his or her liberty shall have the right to prompt legal advice

Article 40

- Children who are accused of, or recognised as, having broken the law shall be treated in a manner consistent with their sense of dignity and worth, and which takes into account the advantages of promoting the child's reintegration into society
- Children's privacy must be respected at all stages of the proceedings
- States Parties shall establish a minimum age of criminal responsibility
- A variety of alternatives to custody must be available to ensure that children are dealt with in a manner appropriate to their wellbeing

Definitions and Glossary

Children: All children and young people under-18 as set out by article 1 of the UN Convention of the Rights of the Child (CRC).

Youth secure estate: There are three settings where children can be locked up within the youth secure estate: secure children's homes (SCHs), secure training centres (STCs) and young offender institutions (YOIs).

Youth Offender Institution (YOI): YOIs can accommodate boys between 15-18 years old and are run under Prison Service standards. YOIs tend to be larger than STCs and SCHs with lower ratios of staff to children. YOIs currently hold 69% of all children in custody.

Secure Training Centre (STC): STCs hold boys and girls between 12-17 years old. They are mainly run by private providers. STCs currently hold 21% of all children in custody.

Secure Children's Home (SCH): SCHs in England are run by local authorities and are overseen by the Department for Education. They generally accommodate remanded or sentenced children between 12-14 years old, plus girls and "at risk" boys up to the age of 16. SCHs range from 8-36 beds and have high staff to child ratios allowing focus on the emotional, physical and mental health needs of the children they look after. SCHs currently hold 10% of children in custody.

Segregation or Solitary confinement: The confinement of a child in custody in their bedroom or another room or area as a means of control and without the child's permission or agreement, without a member of staff being present and with the door locked in order to prevent the child from leaving.

Remand: When a court decides to remand a child to custody, they will be kept in one of the institutions in the youth secure estate until their next court hearing or trial.

About this briefing

The UK ratified the UN Convention on the Rights of the Child (CRC) in 1991. This means that all areas of government and the state including local government, schools, health services, and criminal justice bodies, must do all they can to fulfil children's rights.

This briefing is part of CRAE's *State of children's rights in England 2017* and assesses the progress made in England towards implementing the UN Committee's recommendations on policing and youth justice, which is an area of Special Protection Measures in the CRC. It highlights areas of progress and concern since last year's *State of children's rights in England 2016* was published in December 2016. It is based on written and oral evidence from CRAE's members and additional analysis of recent laws and policies, newly published research, official statistics, and responses to Freedom of Information (FOI) requests.

What is the CRC?

The CRC applies to all children aged 17 years and under, and sets out the basic things that children need to thrive: the right to an adequate standard of living, to be protected from all forms of violence, an education, to play, be healthy, and be cared for. Children's rights should act as a safety net, meaning children always receive at least the minimum standard of treatment whatever the changing economic climate.

The CRC has four guiding principles (General Principles) which are rights in themselves, but also the framework through which all the rights in the CRC should be interpreted. They are: non-discrimination (article 2), the best interests of the child (article 3), survival and development (article 6), and respect for the views of the child (article 12). England's compliance with these General Principles is covered in Briefing 2.

Key to UPR recommendations:

UPR Supported **UPR** Noted

Concerns of the United Nations

In June 2016 the UK Government was examined by the **UN Committee on the Rights of the Child** (the UN Committee) on its compliance with the CRC for the first time since 2008. The UN Committee made recommendations (Concluding Observations) for change.¹ In May 2017 the UK was examined on all its human rights treaties, including the CRC, by the 193 member states of the Human Rights Council as part of the **Universal Periodic Review (UPR)**.² This is a process where states can reiterate previous recommendations made by UN Committees and can be used by civil society and parliamentarians as an additional advocacy tool. The Government can choose whether to "support" (accept) recommendations or "note" them (reject or not agree). We are very disappointed that the Government has only supported 28% of the recommendations relating to children's rights compared to 42% of all the recommendations it received. Below are the relevant UN Committee and UPR recommendations for this briefing:

- Raise the minimum age of criminal responsibility **CRC** **UPR**
- Ensure that children's rights to move freely in public spaces are not curtailed through the use of stop and search **CRC**
- Ensure that children with mental health conditions are not detained in police custody **CRC**
- Prohibit the use of Tasers on children **CRC**
- Ensure that detention is used as a last resort, for the shortest possible time, and not used discriminatorily against certain groups including Black and Minority Ethnic (BAME) children **CRC**
- Abolish life imprisonment sentences for children **UPR**
- Abolish the use of restraint against children to maintain good order and discipline in YOIs and ban the use of pain-inducing techniques on children in custodial settings **CRC**
- Prohibit segregation, including solitary confinement, for children in custody **CRC**

Introduction

The Government has recognised the need to better scrutinise the way children in conflict with the law are treated by the police and criminal justice system. This is illustrated by the commissioning and publication of the *Taylor review* on youth justice and the *Lammy review* on the treatment of BAME individuals (including children) in the criminal justice system. These reports, together with unprecedented warnings from the Chief Inspector of Prisons that not a single institution in the youth secure estate was safe to hold children, provide clear evidence of the scale of the problems in the current system. Despite this, the Government has been slow to respond with comprehensive, concrete proposals to reform the youth justice system. Police leaders have been more proactive in providing leadership and developing policy and guidance to improve the treatment of children by the police. However significant improvements in practice and frontline policing are needed if children's rights are to be respected.

What progress have we made?

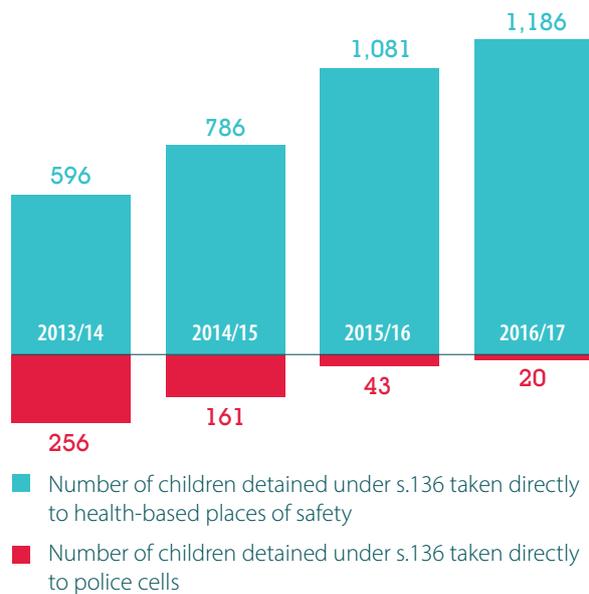
The National Police Chiefs' Council (NPCC) has continued to lead in setting priorities for the policing of children which respect their rights. *The National Strategy for the Policing of Children and Young People* emphasised:

*'It is crucial that in all encounters with the police, those below the age of 18 should be treated as children first. All officers must have regard to their safety, welfare and wellbeing as required under [...] the CRC.'*⁵

As well as being rolled out across England to all forces and frontline officers, this new child-centred approach has impacted on other areas of policing. For example, in January 2017 a new National Strategy on custody committed the police to detaining children in cells as a last resort.⁴

The use of police cells for children in mental health crisis has dropped dramatically and police now routinely take children directly to health-based places of safety instead. The new **Policing and Crime Act 2017 contains a provision to prohibit children from being held in police custody under the Mental Health Act**, which should mean these numbers reduce further. This prohibition is welcome and in line with the UN Committee's recommendation to the UK.

Graph 1: Police use of s.136 Mental Health Act



Source: NPCC collated data. Home Office statistics⁵

There has been a welcome fall in the number of child arrests. **In 2016 there were 87,525 child arrests in England and Wales—a reduction of 64% from 2010 to 2016.**⁶ The CRC stresses that wherever possible children should be dealt with outside the criminal justice system. There are also fewer children entering the youth justice system for the first time—18,263 in 2015/16 compared to 107,650 in 2005/06. Encouragingly, two thirds of First Time Entrants (FTEs) in the year ending March 2016 received a caution, with the remaining receiving convictions (predominantly resulting in community sentences).⁷ The cumulative impact is a huge reduction in the numbers of children in custody (see below).

Where do we need to improve?

Policing

No movement on increasing the age of criminal responsibility

In December 2016 the Scottish government announced it would raise the age of criminal responsibility to 12 years. The UK Government has so far refused to do the same in England,⁸ and declined to support a Bill in the House of Lords addressing this issue.⁹ This is despite the UN Committee recommendation that the UK should increase the minimum age of criminal responsibility from 10 years and implement a welfare based approach to children's offending behaviour.

Overuse of stop and search

CRAE's FOI requests to police forces in England revealed that stop and search is still being overused on children in England. Twenty-four forces responded to tell us that in **2016, of 44,478 stop and searches carried out on children aged 17 years or younger, only 1 in 10 resulted in arrest for any crime.**

This contravenes the UN Committee's strong recommendation that the Government must ensure the use of stop and search is proportionate, considers the age and maturity of the child and is non-discriminatory.

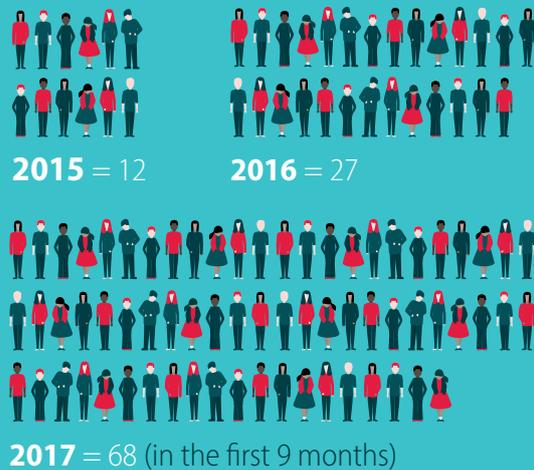
Disproportionality in child arrests

Despite the welcome fall in overall numbers (see above), BAME children accounted for 26% of all child arrests in England and Wales in 2016. In London, 60% of all child arrests by the Metropolitan Police (MPS) in 2016 were of BAME children (the highest proportion recorded by any police force).¹⁰

Increase in spit hood use

A spit hood is a bag made of mesh-like material with a drawstring to tighten it, which is put over the head. Some of the largest police forces including the MPS and Greater Manchester Police do not currently use spit hoods, but in November 2016 the MPS announced a pilot of their use.¹¹ Children have described how traumatic and distressing it is to be hooded.¹²

The use of spit hoods on children has increased as more police forces start to use them.



Source: Data obtained from CRAE FOI requests

Of 40 police forces in England, 20 told us they currently use spit hoods. Of these, 15 were able to provide us with data of their use on children (indicating that the actual usage may be higher when figures from the remaining five forces are taken into account). Responses to our FOI request revealed:

- In 2015 spit hoods were used on at least 12 children in England
- In 2016 at least 27 children in England were hooded
- In 2017 the use of spit hoods on children increased as more police forces started to use them. At least 68 children in England were hooded in the first nine months of 2017 alone, including a 10 year old boy

Use of Tasers on younger children

CRAE's research shows that Tasers are still being used on hundreds of children in England. There was at least 519 uses in 2016 (an increase of 25% from 2013 when they were used at least 431 times) and of these uses, Tasers were discharged or fired 42 times. Children have told us how frightening it is to be threatened with a Taser by police officers¹³ and the UN Committee said the use of Tasers on children in the UK should be prohibited, which echoes a previous recommendation by the UN Committee against torture.¹⁴

The police are increasingly using Tasers on younger children. **In 2015 just over a quarter (28%) of all Taser uses were on children aged 15 years or younger, and in 2016 this rose to a third of all uses (33%).** The youngest child fired on with a Taser was 12 years old.

Children still kept in police cells overnight

Police custody is not an appropriate place for children to be detained. Responses to our FOI request from 33 forces revealed that in 2016 at least 22,408 children were detained overnight in England including 42 children aged 10-11 years old. One child was detained for nearly 5 days.

Nationally more than a third (36%) of children detained overnight in police cells were from BAME backgrounds. In London, BAME children accounted for nearly two thirds (64%) of the 8,275 children detained overnight.

Contributing to these high numbers is the failure to transfer children from police custody to local authority accommodation after they have been charged, despite the legal requirements under section 38(6) of the Police and Criminal Evidence Act. In 2017 the Home Office published a concordat setting out the key actions that government, police and local authorities must take to tackle this problem.¹⁵

Youth justice

*The Taylor review*¹⁶ examined how to ensure the youth justice system was fit for purpose and set out principles for fundamental reform, which (if implemented) would better protect children's rights. The principles state: there should be a focus on the child first and the offender second; there should be an integrated multi-agency response to childhood offending from health, social care and other services (with education central to that response) and; children should be diverted from the criminal justice system where possible to reduce risks of reoffending. However the Government's response since the report was published in 2016 has been unacceptably slow. Although a pilot has been announced of a new form of youth custody called "secure schools" (intended to eventually replace YOIs and STCs), little information is currently available as to what their wider plans are for the youth secure estate. Meanwhile the youth justice system continues to infringe children's rights.

Child defendants not given enough support

A system of specialist youth courts exists in England, but clear breaches of the CRC have been found. In some cases children have been unable to understand what is happening in court, and there has been a lack of specialist skills and knowledge for those working on children's cases.¹⁷ While encouraging steps are being taken to ensure those involved in children's cases have appropriate training on best practice and children's rights,¹⁸ problems remain. Senior judges in the Court of Appeal have expressed concern about the level of training of advocates representing child defendants.¹⁹

Inadequate reporting restrictions for cases involving child defendants

Courts in England have powers to restrict the identification of children appearing in court proceedings, but significant gaps remain. The power to protect pre-charge anonymity has never been introduced,²⁰ new antisocial civil injunctions presume that children subject to an injunction will be publicly named unless the court orders otherwise,²¹ and new powers to impose lifelong reporting restrictions in criminal proceedings to children who are witnesses and victims do not extend to child defendants.²² This means a child defendant can be identified when they turn 18, contrary to the child's best interests.²³

Criminal records impacting on children's futures

The Justice Select Committee has said the current system for disclosure of childhood criminal records may fall short of the UK's CRC obligations.²⁴ The Committee found that youth criminal records are rarely erased, which has an adverse effect on access to employment, education and housing, and has a discriminatory impact on BAME children and those within the care system.²⁵ They urged Government to legislate to allow chief police officers more discretion to withhold disclosure (taking into account age and circumstances of the offences), with a rebuttable presumption against disclosure of offences committed during childhood.

Increasing disproportionality

Not all children have benefitted equally from the reduction in the overall number of children entering the youth justice system for the first



Source: Ministry of Justice/Youth Justice Board (2017) *Key characteristics of admissions to youth custody: April 2014 to March 2016, England and Wales*

time. There is a growing disproportionality among FTEs: from March 2006 to March 2016 **the number of BAME children entering the youth justice system fell by 72% compared with an 85% fall for white children.**²⁶ The *Lammy review* of race and disproportionality in the criminal justice system revealed that, of those convicted at magistrates' court, for every white child sentenced to custody, 1.2 Black and approximately 1.4 mixed ethnic boys received custody.²⁷

Custody not being used as a last resort

As well as continuing to be sentenced to custody for breaching community orders, minor offences and for failing to comply with civil orders (where the behaviour itself is not a criminal offence), children are still sent to custody on remand. In 2015/16, 22% of the average population of children in custody were on remand²⁸ and of these 64% were eventually given a non-custodial sentence (including 27% who were acquitted).²⁹ This is in clear contravention of the UN Committee's recommendation that the UK: *'establish the statutory principle that detention should be used as a measure of last resort and for the shortest possible period of time.'*

Children in England can be sentenced to life imprisonment. Each year between 10-25 children are given mandatory life sentences, which are automatic following a murder conviction.³⁰ This

is in sharp contrast to other European countries where only two children have been sentenced to life imprisonment in the last 25 years (in France).

Children in custody

By September 2017 the population of the youth secure estate had fallen to 880, which is a reduction of more than 70% since September 2007.³¹ Although welcome, England and Wales have the highest child custody rate in Western Europe.³²

Overrepresentation of certain groups of children in custody

The National Association for Youth Justice has highlighted: *'while the number of children in custody has declined, those "left behind" are typically more vulnerable, more disadvantaged.'*³³ Her Majesty's Inspectorate of Prisons (HMIP) annual survey of children's experiences in custody for 2016/17 shows that of all children in YOIs:

- 19% said they had a disability
- 27% said they had emotional or mental health problems
- 31% said they had a problem with drugs when they first arrived³⁴

The UN Committee has urged the UK to: *'ensure that detention is not used discriminatorily against certain groups of children'*, however children with experience of care are overrepresented

in custody. An independent review found that around half of children in custody have experience of the care system and, in 2016-17, 42% of boys in YOIs told HMIP they had been in local authority care.³⁵ This is despite less than 1% of all children in England and 2% of those in Wales being in care. There has been an increase in the overrepresentation of BAME children in the youth secure estate. **In September 2007 minority ethnic children made up just over 24% (713) of the imprisoned population, and by September 2017 they accounted for 45% (397).**³⁶ This is despite BAME children accounting for an estimated 17% of the general population of 10-17 year olds in England and Wales.³⁷

Deterioration in safety of youth secure estate and increased use of force

In 2016 the appalling mistreatment of children in Medway STC led Government to commission reviews, which criticised a culture of control and compliance rather than rehabilitation and safeguarding, and made recommendations for urgent improvement.³⁸ However official inspections of STCs and YOIs have found that for many children in custody, violence, bullying and intimidation are a regular feature of life and in 2017 the Chief Inspector of Prisons concluded: *'There was not a single establishment that we inspected in England [...] in which it was safe to hold children and young people.'*³⁹

Children's own experiences of custody reflect this increasingly unsafe environment. An HMIP survey found:

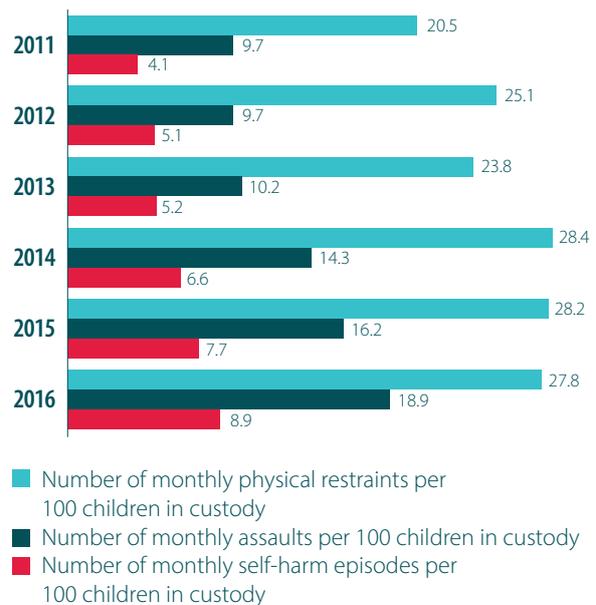
- 22% of children in STCs reported feeling unsafe at some point since their arrival
- 23% of children in STCs reported being physically abused
- 39% of boys in YOIs said they had felt unsafe at their establishment at some point⁴⁰

Following the deaths of two children in custody after the use of restraint, a new system Minimising and Managing Physical Restraint (MMPR) was introduced. Whilst improvements have been noted, inspectors have found that work is needed to reduce the risk to children while being restrained⁴¹ and that the new

system still includes techniques which involve the deliberate infliction of pain on children. One technique (the head hold technique) was considered dangerous by the independent panel that reviewed the system.⁴² The UN Committee has been clear: *'Restraint or force can be used only when the child poses an imminent threat of injury to him or herself or others, and only when all other means of control have been exhausted.'*⁴³ However staff in England are permitted to use force on children in custody in a broad range of circumstances and in YOIs in order to maintain "good order and discipline".⁴⁴

Official statistics show the use of restraint, levels of assault and self-harming have risen in the last five years.

Graph 2: Physical restraint, assault and self-harm in the youth secure estate: 2010-2016



Source: Ministry of Justice/ Youth Justice Board (2017) *Youth Justice Statistics for England and Wales 2015/16*

The HMIP 2016/17 survey found:

- more than a half of children (55%) in STCs reported being restrained since their arrival. More than two-fifths (44%) of boys reported being restrained while in YOIs
- **Boys who had been restrained in YOIs were significantly more likely than those who had not to be from a BAME background (56% compared with 39%).**⁴⁵

Continuing use of isolation amounting to solitary confinement

Case study

Howard League for Penal Reform Children kept in isolation for long periods

Kyefer, a 17 year old boy, has regularly spent 23 and a half hours a day locked up in Cookham Wood YOI. He has been isolated numerous times for prolonged periods, including for more than 20 days in a row.

His small room has a bed, a shower and a desk. Meals are delivered three times a day through a slot in the door and he eats alone. He has limited access to books and no television. He has not received any education and he only leaves his cell for half an hour each morning to exercise outside.

According to his mother, Kyefer said: *'It's stressful. I sleep a lot. Sometimes being stuck in here makes me angry. Mostly it's lonely.'* His mother said:

*'Kyefer has always been an energetic child. Now he is always disengaged and depressed [...] This prison is breaking him. He's threatened to take his own life on multiple occasions. Staff have ignored his pleas. It's falling on deaf ears. Has there got to be a death of one of these boys before something happens?'*⁴⁶

The Howard League for Penal Reform brought a judicial review on behalf of another child who was locked in his cell at Feltham YOI for over 22 hours a day for more than 15 days at a time. In July 2017 the High Court ruled the boy was treated unlawfully and accepted that when he had no educational provision at all: *'the lack of mental and physical activity contributed to his frustration and so to his disruptive behaviour.'*⁴⁷ The boy's lawyer, Laura Janes, told us:

'We have come across many children held in these conditions, sometimes for months

on end. There are cases where a child is considered too dangerous to mix with others but is fine in the community or another setting. If a child was kept in these conditions in the community it would be seen as a serious child protection issue.'

In 2015 the Children's Commissioner for England has found that the use of isolation is common for children in custody and that one in three detained children will experience it at some point. Those who might be considered particularly vulnerable are more likely to be isolated, with research finding that children with a recorded disability are two thirds more likely to experience isolation and BAME children are subject to isolation at three times the rate of their white peers.⁴⁸ More up to date, official figures on the use of isolation disaggregated by protected characteristics are not publically available, raising key questions around oversight and accountability. The UN Committee called for a prohibition on the use of solitary confinement, echoing calls by the UN Special Rapporteur on Torture.⁴⁹

HMIPs survey found that in 2016/17:

- More than two fifths of children in STCs (42%) said they had been made to stay in their room away from the other children because of something they had done
- A third of boys in YOIs (33%) said they had spent a night in the segregation unit. **Boys who had been to segregation were significantly more likely than others to be from a BAME background (58% compared with 43%)** and to have been 14 or younger when they were last in school (52% compared with 39%).⁵⁰

Recommendations

1. The age of criminal responsibility in England should be raised to at least 12 years old. The Government should support the Age of Criminal Responsibility Bill introduced by Lord Dholakia.
2. The number of health-based and alternative places of safety should be increased to ensure that sufficient places are available and the provisions in the Policing and Crime Act 2017 can be effective, so that no child is detained in a police cell under mental health legislation.
3. Police forces should be required to collect the age of those they stop and search, and the Home Office annual review should assess the proportionality of age alongside other protected characteristics.
4. The use of Taser on children should be eliminated. As an immediate step the regulations, training, guidance and transparency around the use of Taser on children should be improved including the regular publication of fully disaggregated national data on uses.
5. The use of all harmful devices on children by police, including spit hoods, should be prohibited.
6. Overnight police detention must only be used as a last resort, and there should be sufficient local authority accommodation to ensure that no child spends the night in police cells.
7. Following publication of the national concordat to improve the implementation of section 38(6) of PACE, the Home Office should set up an implementation working group and review the impact of the concordat on the numbers of children held in police custody after one year.
8. The law should be changed so there is no "naming and shaming" of children in conflict with the law. This includes a presumption that the privacy of children involved in criminal proceedings will be protected, and an extension of the court's power to protect the identity of child defendants after they reach the age of 18.
9. A statutory safeguard should be introduced to ensure that children are only detained as a last resort and for the shortest time possible. The threshold for the use of custodial sentences should be increased, and imprisonment for breach of community orders and civil orders should be prohibited.
10. The use of prison-like institutions (YOIs, STCs) should end for children and be replaced with care-based homes. Where children do need to be detained they should be placed in appropriate care-based homes.
11. Restraint against children should only be used when the child poses an imminent threat of injury to himself or others and it should never be used to deliberately inflict pain. All methods of physical restraint for disciplinary and immigration purposes should be abolished.
12. All institutional settings (whether run by the State or private organisations) should be open and transparent about their approaches to discipline and behaviour management.
13. Solitary confinement or any conditions that amount to solitary confinement should be abolished.
14. Disproportionate treatment of BAME children by the police and youth justice system must be tackled. The Government should implement the recommendations of the Lammy review and commission Her Majesty's Inspectorate of Constabulary to carry out a thematic review of the police treatment of BAME children.

Endnotes

- 1 UN Committee on the Rights of the Child (2016) *Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland*
- 2 United Nations Universal Periodic Review (2017) *United Kingdom, British Overseas Territories and Crown Dependencies Annex to the response to the recommendations received on 4 May 2017*
- 3 National Police Chiefs Council (2015) *Child centred policing: A national strategy*
- 4 National Police Chiefs Council (2017) *National strategy for police custody*
- 5 NPCC collated data for 2013/14, 2014/15 and 2015/16. Available via: www.npcc.police.uk/documents/S136%20Data%202015%2016.pdf [last accessed: 17/11/2016]. Data for 2016/17 taken from Home Office statistics: *Detentions Under the Mental Health Act (1983); police powers and procedures year ending March 2017*
- 6 Howard League for Penal Reform (2017) *Child arrests in England and Wales: Research briefing*
- 7 Youth Justice Board/Ministry of Justice (2017) *Youth justice statistics for England and Wales 2015/16*
- 8 The Government has stated: 'children aged 10 are able to differentiate between bad behaviour and serious wrongdoing and it is right that they should be held accountable for their actions' HM Government (2014) *The fifth periodic report to the UN Committee on the Rights of the Child*
- 9 HL Deb: *Age of criminal responsibility Bill* (8 September 2017) C2210
- 10 Howard League for Penal Reform (27 November 2017) 'Howard League publishes ethnicity analysis of child arrests following the Lammy Review'
- 11 BBC News (17 November 2016) 'Met to launch smaller spit hood pilot scheme'
- 12 See the case study of Sophie, a disabled 11 year old girl, in CRAE (2016) *State of children's rights in England: Policing & criminal justice*
- 13 See, for example, Zahir's comments on Tasers in in CRAE (2016) *Children speak out on policing and youth justice*
- 14 UN Committee Against Torture (2013) *Concluding observations on the fifth periodic report of the United Kingdom*
- 15 Home Office (2017) *Concordat on children in custody*
- 16 Charlie Taylor/Ministry of Justice (2016) *Youth Justice Review: final report*
- 17 Lord Carlile of Berriew/National Children's Bureau (2014) *Independent parliamentarians' inquiry into the operation and effectiveness of the youth court*
- 18 See Law Society Youth Justice Advocacy Training programme, launched 1 November 2016; Youth Justice Legal Centre's Youth Justice Advocacy Training for solicitors and barristers; Solicitors Regulation Authority (2016) *Youth court advocacy toolkit*; ICCA (2017) *Youth justice advocacy guides & film*
- 19 *R v Grant-Murray and Henry; R v McGill, Hewitt and Hewitt* [2017] EWCA 1228 at para 226
- 20 Youth Justice and Criminal Evidence Act 1999, s. 44 (which provides that children would be anonymous pre-charge) has never been enacted.
- 21 By dis-applying the Children and Young Persons Act 1933, s. 49. See Anti-Social Behaviour, Policing and Crime Act 2014, s. 17
- 22 Criminal Justice and Courts Act 2015, s. 78
- 23 See *R (on the application of JC) v Central Criminal Court* [2014] EWHC 1041 (Admin)
- 24 See House of Commons Justice Committee (2017) *First Report 2017-2019: Disclosure of youth criminal reports*
- 25 See also David Lammy/Ministry of Justice (2017) *An independent review into the treatment of, and outcomes for black, asian and minority ethnic individuals in the criminal justice system*
- 26 Youth Justice Board/Ministry of Justice (2017) *Youth justice statistics for England and Wales 2015/16*
- 27 Ministry of Justice (2016) *Black, asian and minority ethnic disproportionality in the criminal justice system in England and Wales*
- 28 Table 6.2, Youth Justice Board/Ministry of Justice (2017) *Youth justice statistics for England and Wales 2015/16*
- 29 Table 6.5a, Youth Justice Board/Ministry of Justice (2017) *Youth justice statistics for England and Wales 2015/16*
- 30 See Bateman, T for National Association of Youth Justice (2017) *State of Youth Custody* and Bateman, T (2015) 'Youth Justice News' *Youth Justice* 15(3): 294-305
- 31 Youth Justice Board/Ministry of Justice (2017) *Monthly youth custody report: September 2017: England and Wales*
- 32 See House of Commons Justice Committee (2013) *Youth justice: Seventh Report 2012-13*, and the Howard League for Penal Reform (2013) *Submission to the UN Committee against torture and other cruel, inhuman or degrading treatment or punishment: fifth periodic review of the United Kingdom of Great Britain and Northern Ireland*
- 33 Bateman, T/National Association for Youth Justice (2017) *The state of youth justice*
- 34 Her Majesty's Inspectorate of Prisons (2017) *Children in custody 2016-17: an analysis of 12-18 year olds' perceptions of their experiences in STCs and YOLs*
- 35 Ibid
- 36 Youth Justice Board/Ministry of Justice (2016) *Monthly youth custody report October 2016: England and Wales*.
- 37 2011 mid-year estimate from National Census
- 38 Medway Improvement Board (2016) *Final Report of the Board's Advice to Secretary of State for Justice* and Youth Justice Board (2017) *Findings and Recommendations of the Youth Custody Improvement Board*
- 39 HMIP (2017) *Annual report 2016-17*
- 40 Her Majesty's Inspectorate of Prisons (2017) *Children in custody 2016-17: an analysis of 12-18 year olds' perceptions of their experiences in STCs and YOLs*
- 41 HM Inspectorate of Prisons (2015) *Behaviour management and restraint of children in custody: A review of the early implementation of MMPP*
- 42 Restraint Advisory Board (2011) *Assessment of minimising and managing physical restraint for children in the secure estate*
- 43 UN Committee on the Rights of the Child (2007) *General comment on children's rights in juvenile justice*
- 44 See further Howard League (2016) *The Carlile Inquiry 10 years on: The use of restraint, solitary confinement and strip-searching on children*
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- 50 Her Majesty's Inspectorate of Prisons (2017) *Children in custody 2016-17: an analysis of 12-18 year olds' perceptions of their experiences in STCs and YOLs*

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About CRAE

The Children's Rights Alliance for England (CRAE) works with 150 organisations and individual members to promote children's rights, making us one of the biggest children's rights coalitions in the world.

We believe that human rights are a powerful tool in making life better for children. We fight for children's rights by listening to what they say, carrying out research to understand what children are going through and using the law to challenge those who violate children's rights. We campaign for the people in power to change things for children. And we empower children and those who care about children to push for the changes that they want to see.

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