

# Young People's Voices

## Sentencing Children

Lawyers' Network Group Meeting  
Thursday 16 June 2016



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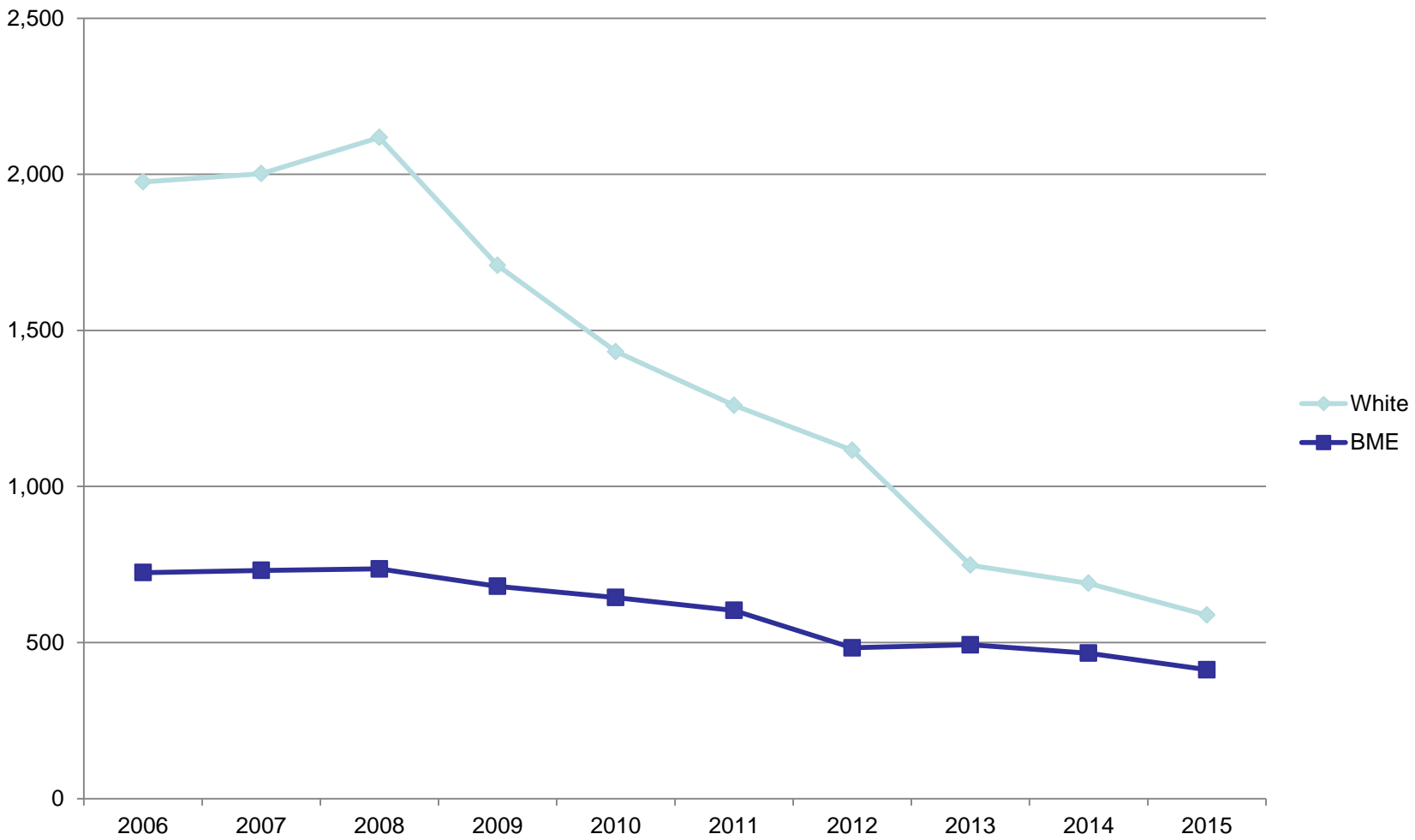
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## Some numbers

- **Child arrests down 55 per cent since 2010**
- **The number of children in prison is 906 as of 30 April 2016**
- **In 2014, 23 per cent of child arrests were BAME children**
- **But 42 per cent of children in prison are BAME**

## Reduction in numbers of white and BME children in prison since 2006



## Our legal service

- **Provide unique legal service for children in prison since 2002**
- **Around 30 calls this year to our advice line from children and young people who feel sentence is unfair, especially if different from advice given (the number problem)**
- **Children often not advised in writing on appeal**
- **Very rarely able to appeal sentence – high threshold, out of time, fear that it will “make things worse”**
- **For some children, not coming to terms with their sentence is a huge impediment to progression**
- **Lots of problems understanding mechanics and consequences of sentence**

## Our participation work

- **We work with young people (up to the age of 25) with lived experience of the criminal justice system**
- **We provide opportunities for young people to become active citizens**
- **Young people are supported to understand and influence law, policy and practice development so it best reflects their needs.**
- **We have engaged young people to tell us what they think about sentencing in the following ways:**
  - **Interactive group work sessions in and out of custody**
  - **Questionnaire sent to over 100 young in custody**

**inconsistent and unfair**

“They say if the judge is in a bad mood you're getting a longer sentence. If he's in a good mood you just might get a fair sentence”

“Some people are treated bare harsh for the same thing as someone else”

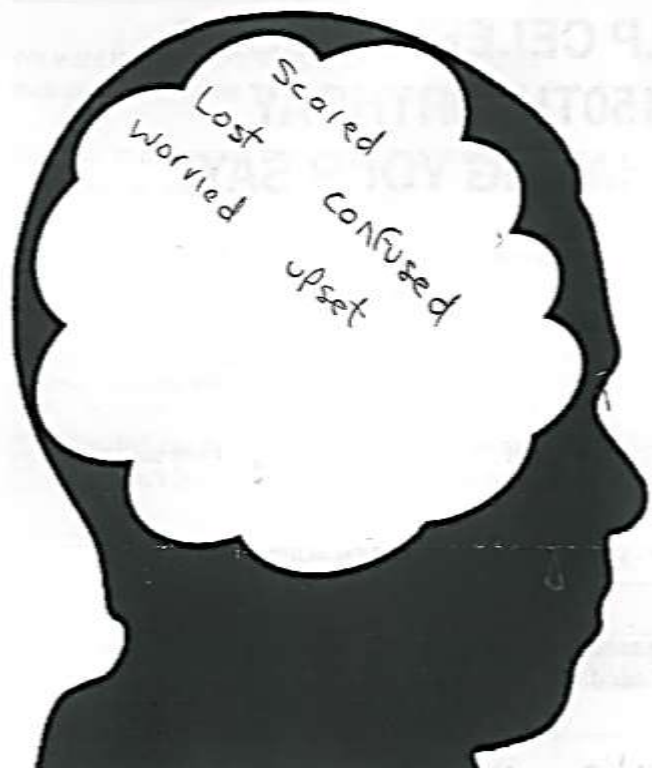


## An emotionally traumatic experience

“I think about my family because it ain't just me going through the hard times, it is my family as well”

It's something that will stick with you forever  
So for young people it should be less traumatic  
and more subtle  
That chance!

“Straight after being sentenced I felt forgotten”



**Terminology and formal Court practices can be complicated and confusing, causing young people to feel detached and belittled**

**“I still remember thinking about not really understanding what they were saying”**

**“The Judge don’t talk to you directly. He don’t even look you in the eye”**

**“Can be confusing, it’s not explained well. I do not understand the terminology used”**



**“They sent me home to put on a suit. I don’t have a suit! It makes no sense - if I go inside I’ll be back in my tracksuit anyway!”**



**Young people should be asked *why* they think they are in the situation**

**Do you think Judges listen to the views of the young person they are sentencing? (tick one of the boxes)**

Yes

No

Reason for your answer: *Most yps... wouldn't be in jail if that was the case*

**“I feel that we get drowned out due to everything negative said, so [young] people’s views get overlooked like, who cares?”**

**“Judge never asked me my views”**

**Young people feel their personal problems are not taken into account**



**“I felt the judge didn’t consider points in my case as to why it led to me offending”**

**“[Sentencers think] That we are all the same and just like breaking the law when really we all do different things for different reasons”**

## Working through a case study with young people

- **3 out of 4 young people thought he deserved a custodial sentence**
- **Recognised 'punishment' aspect of sentencing**
- **Recognised aggravating features increase seriousness - eg knife**
- **Recognised significance of previous convictions**
- **Placed themselves in the child's shoes and worked through the options, grading them from most risky to least risky**
- **Considered his personal circumstances and what might help him**
- **By the end of the exercise 3 out of 4 people thought he deserved a community sentence**

**Looking at what happened from the child's point of view is important**

**The background information before the court is critical**

**Those closest to the young person should be involved so that any difficulties at home can be made better but pre-sentence reports don't always effectively capture this**

**The process of sentencing takes too long: the waiting is upsetting**

**Children don't generally understand how the sentence is worked out**