

Summary of engagement exercise with children and young people

About the exercise and the children and young people who participated

The Youth Justice Board (YJB) carried out an engagement exercise with children and young people (CYP) in England and Wales between April and May 2016 with the purpose of informing the youth justice review and the YJB's own work.

We reached out through Youth Offending Teams (YOTs), the youth secure estate and a range of partner organisations to explore the views of CYP aged 10 – 21 with experience of the youth justice system as perpetrators, victims or witnesses, or extensive knowledge about it. We sought to engage and involve all CYP who wanted to share their views and ideas, rather than focusing on attempting to seek a representative sample of those currently within, or in contact with, the system in some way. This means there could be important differences between those who were reached and who chose to give their views, and those who did not take part. Therefore views may not be representative of other CYP's views.

We sought views on preventing offending, what matters for professionals working in youth justice, restorative justice, criminal records, and we particularly focused on experiences and ideas regarding courts and sentencing as there seemed to be less existing evidence of what CYP think in that area.

Demographics and background of the 382 respondents:

- **Gender:** 65% identified as male, 32% as female and the remainder responded 'other' or prefer not to say.
- **Age:** 70% were aged 16-18, 23% aged 13-15, 5% aged 19-21 and 2% aged 10-12.
- **Ethnic background:** 62% identified as white British, 17% identified as black, Asian or minority ethnic, including 9% as black, and 7% as Asian. 7% identified as 'mixed background', 5% as 'other white', 6% said 'other'.
- **Disability status:** 77% said they did not have a disability, 16% said they did have a disability, 6% preferred not to say.
- **Looked after status:** 67% said they had not been in care, 27% said they had been in care, 7% did not know or preferred not to say.
- **Involvement with the criminal justice system:** 67% had been to a court, 40% had pleaded guilty to committing a crime, 29% had been the witness of a crime, 26% had been the victim of a crime, and many had been involved with the criminal justice system in more than one way.
- **Future aspirations over the next 3 years:** 67% thought they would not be in trouble with the police while 9% thought they would be and the rest did not know; 71% thought they would continue their education/training; 78% thought they would have positive

What works in preventing offending?

- The top four things to help CYP stop committing crime (based on the options listed):
 1. Someone to listen and talk about problems with (51%)
 2. Help with finding a job (51%)
 3. Help with family problems (46%)
 4. Help with education (43%)
- In free text comments respondents referred to providing CYP with more information about consequences of committing crime, making things cheaper, raising the age of

criminal responsibility, keeping CYP occupied, help from someone 'genuinely empathetic and not overly professional' and one said it was 'different for everyone'.

- The three most important things for helping CYP in their learning (based on the options listed):
 1. Help with behaviour problems (50%)
 2. To be working towards a goal (48%)
 3. Help with emotional problems (41%)
- This emphasises the importance of a wider range of support needed by CYP before they are able to engage meaningfully in education or training.

Workforce qualities

- The three most important qualities for adults working in the youth justice system (based on the options listed):
 1. Knowing how to deal with difficult behaviour (62%)
 2. Being non-judgemental (62%)
 3. Being able to talk to children and young people (52%)
- This suggests that CYP value professionals who can manage their behaviour and communicate effectively with them.

Courts and sentencing

Support in court

- 73% of those who had been to a court went with a parent, 29% went with a friends, 23% went with a social worker, 17% went with a carer, 16% went with someone else.
- Solicitors and YOT workers were the main figures who respondents said gave them information or help to understand what was happening at court. Only 9% said judges and 5% said magistrates. 6% said no one had provided information or help.

Understanding and engagement in court

- 77% thought they understood the role of the judge or magistrate in court, 23% responded no or don't know. 133 respondents provided free text comments: many said 'to sentence you', 'to make decisions', 'to put you in prison'.
- Of the 217 who chose to respond to the question 'Did you understand what was said in court?' 85% said they did, 11% said they did not and 5% preferred not to say. However, in free text responses to another question many said the language used in court was too difficult for them to understand.
- 70% said they felt confident to ask if they needed more information, 22% did not, 8% preferred not to say or said other. Interestingly a number of respondents who said they did not understand what was said in court then went on to say they had felt confident to ask for more information, suggesting other barriers exist.
- 39% said they thought the adults in court did not understand how they felt, 34% thought they did, 28% didn't know.

Suggestions for improving courts and sentencing

- Respondents gave a range of suggestions for how courts could be improved. These have been grouped below, but the points are in their own words:
- **About feeling engaged and supported in court and the process (23 points made)**
 - 'Speak more simple for uneducated defendants' / 'Use everyday words that I understand' / 'Stop with complicated jargon that I don't understand' / 'The judge can use simpler sentences to address me, my solicitor or anyone else in the court who they have conversation with so I can understand' / 'Not use long words' / 'To speak language that I understand' / 'Explain things better'

- 'Ask what you should be sentenced to'
- 'Maybe have people who have experience and understanding about young people who can relate'
- 'More relaxed and friendly' / 'More friendly' / 'Less pressure' / 'Nicer people, less intimidating' / 'Less darkness, more light and smiles' / 'Change the atmosphere'
- 'Emotional support' / 'More emotional support was needed, and for someone to stand up with me'
- 'Perhaps liaison officer could speak with offender'
- 'To put better things in place because all they did was talk need to be told what would happen in future.'
- 'Not be so rude. The person who asked me things was rude' / 'Be polite'
- 'If they taught us about it in the YOS referral' / 'Someone to sit and chat with us like a youth worker. Prepare us for what we are going through'
- 'Allow YP to visit if they're being a witness beforehand so it's not as daunting'
- **About perceptions of fairness and equality (16 points made)**
 - 'Give kids more chances' / 'Fairer with sentence' / 'Be light on sentences to kids' / 'Be more lenient' / 'Don't get sent to jail if first crime' / 'I think young people should be sentenced to shorter times when they first get locked up so they don't settle and will learn more when they come out.' / 'Giving people less sentence if they admit the crime and it's not bad'
 - 'To believe young people that are telling the truth and not find you guilty of something 'I did not do.'
 - 'Not to be racist' / 'Not be racist to Pakistani people'
 - 'People with the same background should be in court' / 'More representative juries (although this is all random)'
 - 'More understanding of how kids work and not let the jury come to decisions too quick'
 - 'Increase sentences'
- **About the length of the wait (14 points made)**
 - 'Waiting too long' / 'The seats were uncomfy and we were waiting for ages' / 'Quick and detailed' / 'Quicker at doing stuff' / 'Quicker' / 'Less waiting time' / 'Don't wait so long' / 'Not to wait too long at court' / 'Less waiting' / 'Hurry up with the prison van'
 - 'Too long in the cells' / 'Not making you sit in a cell for hours' / 'Less time in cells'
- **About feeling heard and understood (13 points made)**
 - 'Listen to me' / 'See my point of view' / 'By listening to my story' / 'Listen a bit more'
 - 'Let the offender have more time to speak for himself' / 'Ask more questions'
 - 'People should get a questionnaire so they get their say because they might now be confident enough to speak up'
 - 'If they had a better understanding of how we feel' / 'To hear and understand the situation better. It's not all about power.' / 'To be more understanding, i was being taken to court by an adult so it felt like what i had to say didn't matter. Even tho i was found guilty, i shouldn't of been deemed guilty till i was proven guilty' / 'Hir more about the good things you've don not just the bad things' / 'By not always judging you on your past'
- **About the environment (10 points made)**
 - 'Make rooms smaller' / 'Smaller room-the room was so big it felt threatening'
 - 'Snacks and hot chocolate at lunchtime' / 'Different varieties of food' / 'Better seating and cheaper vending machines' / 'Cheaper food' / 'Seats are uncomfortable' / 'Sofas' / 'Comfy cells' / 'Exercise'
- **About the process (8 points made)**
 - 'Make sure you have the relevant papers to proceed' / 'Have more information and evidence'
 - 'The defence shouldn't be asking difficult questions and repeating themselves'
 - 'Allow family visitation' / 'Be able to say goodbye to parent/friends before going down'
 - 'Get better staff'
 - 'Not send under 18 to YOI, should send them to STC'

- 'Implement peer courts, make sure juries actually represent the local area, juries should be diverse as should judges and magistrates. At the moment they are very out of touch and have no idea the issues young people face or how young people feel'
- Others said they did not know, some thought the court was ok, some thought it was fair, one respondent said it was ok because 'it's supposed to be a scary place', another said it was ok because 'you pay the price for the crime you committed'.

What works in sentencing?

- Of 176 CYP who chose to respond to the question, 'Do you think the sentence you received was fair', 57% said yes, 31% said no, 10% didn't know and 2% preferred not to say.
- The four most important elements of a sentence (based on the options listed):
 1. To work with services like the youth offending team (56%)
 2. To do education or training (46%)
 3. To get support to understand the impact of their crime (36%)
 4. To get help with emotional problems (35%)
- The most selected option was working with services like YOTs, indicating that many CYP see this as important. 51% thought it would be helpful for children and young people to meet with the judge or magistrate after they are sentenced to talk about how the sentence is going, 26% thought this would not be helpful, 24% didn't know.
- This suggests that around half of respondents would support further engagement with the judge or magistrate, for instance through a problem-solving approach involving the judiciary, but some raised important concerns in free text comments about how this would be handled safely and effectively.

Comments in favour:

- 26 thought it would increase the judge or magistrates' level of understanding. Several referred to wanting the judge or magistrate to understand the young person, to know how the young person felt or feels, to be able to explain more to the judge or magistrate and for them to see the effect they have
- 1 saw it as way to communicate with parents

Comments against:

- 10 thought the young person would be angry/the judge or magistrate may be at risk of harm
- 6 thought young people would not want to do this
- 3 thought it would not help
- 2 thought it would be too scary for the young person
- 1 magistrates and judges don't understand young people

Restorative justice

- In response to a question about whether CYP should meet and speak to the victims of their crime, to apologise and explain what happened, 57% thought it would only be appropriate 'in some circumstances', 24% said yes, 12% said no and 7% didn't know.

Criminal records

- In response to the question 'Do you think children and young people who commit crime should get a criminal record for the rest of their lives?' 52% said 'only for some types of crime/in some circumstances', 33% said no, 8% didn't know or preferred not to say and 7% said yes.